RECORDS IN THE BRITISH PUBLIC RECORDS OFFICE RELATING TO SOUTH CAROLINA

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1727-1728

MICROFILMED
BY
WM. L. MCDOWELL

B. P. R. O. Carolina Prop.^y B. 2. vol 5 p. 287

5 March 1728

To the Kings most Excellent Majesty

The Humble petition of the Lords Proprietors of Carolina whose names are hereunto subscribed

Sheweth That your petitioners did some time since humbly apply to your Majesty in a petition praying your Majesty to accept of of a Surrender from them of the Sovereignty of the Province of Carolina, humbly relying on your Majesty's goodness and Justice for all their other legal rights and properties The Consideration of which petition your Majesty was graciously pleased to refer to a committee of Your Majesty's Most honorable Privy Council

That your petitioners being informed some difficulties may probably arise whith respect to the Method of such surrender and being desirous to shew their ready inclination to remove every obstacle and concur in all things which may tend to your Majesty's honor and consequently to the peace and prosperity of Your Majesty's subjects in that Province by settling it in the most safe and beneficial manner

Your petitioners do now most humbly offer and propose to Your Majesty that you will be pleased to accept from your petitioners an absolute and entire surrender of their respective shares and interest not only of the Sovereignty but of the right and property they have to the soil in the said province of Carolina by virtue of the two Charters granted by King Charles the second Humbly praying your Majesty will be graciously pleased to direct and cause to be paid to your petitioners each of them respectively

1728 — 1729

respectively the sum of Two thousand five hundred pounds without any fee or deduction upon the payment of which they are willing in due form to execute a surrender of their entire property in the said Province of Carolina as above.

And in regard your petitioners have several arrears of Quit rents and other dues unaccounted for which by reason of the disorders and distractions in the said province they have not been able to collect and receive whereby a great arrear of debt now remains due and unpaid from your petitioners to their Officers and others

Your petitioners do therefore most humbly pray yor. Majesty that upon Your Majesty's accepting the abovementioned surrender Your Majesty will be graciously pleased to give proper instructions to your Governor or any other your Majesty's Officers to assist your petitioners in settling their demands of Arrears of Quit rents or other dues and to receive and collect the same for the use of your petitioners thereby to enable them to discharge the demands which are now upon them by reason of the said Quit rents and dues being unpaid

And your petitioners shall ever pray &c

Duke of Beaufort
Lord Craven
James Berkc
H. Berkc
J. Colleton
Archi: Hutchison

B. P. R. O. Carolina Prop.y B. D. vol 5. p. 269

(no day or month given) 1723

To the Right Honorable the Lords of His Majesties most Hon.ble Privy Council in Committee

In obedience to your Lordships commands signified to us by an order of the Right Hon.ble the Lords of the Committee for Plantation Affairs dated the 12th instant containing Queries with respect to several grants of lands made by the proprietors of Carolina to each other

We the said Lords Proprietors of that province whose names are hereunto subscribed humbly represent to your Lordships that we do admit there have been several tracts of lands granted to the proprietors and others by virtue of the powers given to them by their Charter the particulars of which in answer to your Lordships Queries commencing from the year 1713 are as follows (viz.)

1714. One grant was made of all Minerals whatsoever (excepting Royal Mines) and one other for making of Oyl from the nuts of Carolina both of which were to be void if not undertaken within three years after the date and now consequently void.

A Grant of 500 acres was made to the Reverend Mr Johnston reserving the usual Quit rents which we believe was not set out he being since dead.

1715. A warrant was granted to Mr Hodgson for 5000 acres of land reserving the usual Quit rents never set out as we know of.

1716. A Grant was made to Mr Churchy and Swartz for Wrecks within the limits of the Lds patent reserving five per cent out of the net profits which project was never entered

entered upon.

1719. Sir Robert Montgomery had a grant of a great tract of Land between the Rivers Savanna and Alatamaha at a quit rent of a penny an Acre yearly as it should be settled with this restriction, that if Sir Robert Montgomery his Heirs and Assigns shall neglect the s^d^ undertaking and not begin the settling of the said lands for the space of three years the proprietors might reenter in pursuance of this Grant.

A Warrant for 500 Acres of land was granted to the Revd Mr Allsop reserving the usual Quit rents, he died and it was never taken up.

Altho in the year 1713 no lands were ordered or laid out for the Lords Proprietors either in South or North Carolina yet in the years 18 and 19 there were several Baronies laid out for the use of the Lords Prop^rs^ as mentioned in your Lords^ps^ queries The proprietors judging this method might tend to the better peopling the province by engaging the proprietors seperately to cultivate and improve their own lands but by reason of the disorders of the Colony these lands were never entered upon except one Barony by Sr John Colleton's son who went over above a year since to settle the same.

1722. 12000 acres were granted to the Secretary Mr Shelton as a gratification for his many years services, but not yet set out

1723/5 12000 Acres were granted to Mr Pusey upon Condition that he should transport 300 people within a year after the date of his Patent and a farther agreement was made with Cato and Pusey for two Baronies in Consideration they should transport 1200 Swiss into the province at their own charge, which they are not able to perform. but the consideration of this affair being recommended to the Proprietors by His Grace the Duke of Newcastle Secretary of State and the

Lords

Lords Commissioners of the plantations. the proprietors did propose at their own charge to have paid the passage of 300 protestant Swiss in case they could give security to settle upon the Savanna River for the greater safety of the infant colony at Port Royal but this was never done.

1726. Four Baronys consisting of 12000 acres each were granted to Mr Thomas Lowndes and three other persons in consideration of his services for the common good of the province and of the surrender of a former grant of 48000 acres of land (which upon examination appear never to have been set out) which deeds were enrolled in His Majestys Court of Common pleas.

A Warrant was granted to Col. Samuel Horsey for a Landgraveship with Four Baronies thereunto annexed and a patent was ordered for the same but not taken out by him. by reason of the unsettled state of the province

1727. A Grant of 1000 acres of land at a quit rent of a penny per acre to commence three years after the date was made to one Taylor of Ireland who went over as we are informed with above 30 white people to settle there

(*) * * * * * * * * *

These are all that ever were granted by the proprietors since the year 1713. and if we have not given your Lordships a more exact account of the conditions upon which they were granted and the place where they are to be set out; it is for want of a proper Register whereby we might be informed of each particular, nor could we obtain a true rent roll of our Lands which occasioned our presenting a petition to His late Majesty praying that he would be graciously pleased to direct his provisional Governor to cause a Register to be made of all the lands granted. and upon what terms in order to know how to

settle

(*). Entries of Grants made in North Carolina omitted

settle the remaining uncultivated lands remaining, in such manner as might most conduce to the publick Good.

In answer to the last of your Lordships Queries we do admit that the Propr.^rs did shut up their Office for the sale of their lands in Carolina in the year 1719, when Mr Johnson suffered himself to be deposed. which we humbly apprehend was not only prudent but justifiable the Prop^rs predecessors having at their first entring upon the execution of their Charter made Grants of large tracts of land to several persons who proposed to settle at a very small quit rent there. or only a peper corn yearly, in expectation that the Grantees of such lands would have been induced to settle them and thereby increase the number of inhabitants But as we are informed there is not a sixth part of the land so granted as yet settled by anybody we conceive such lands may be re-entered upon.

And here we humbly beg leave to represent to your Lord^ps that the Prop^rs were always ready at their Office in London to grant their unsettled lands at a moderate quit rent not exceeding one penny per acre to any person who with an intention to settle there would have applyed to them. and that they were ready to receive and comply with any reasonable proposal of that kind from the Countrys Agent Mr Yonge notwithstanding his known ingratitude to the Proprietors whose Surveyor General he was for many years. but absented himself from the Province and his duty without their leave and consent.

We shall only now beg leave to add by way of explanation of the Clause in our last Petition to his Majesty wherein we humbly propose to make an absolute and entire surrender of our respective shares and interest not only

only of the sovereignty but the property we have to the soil of Carolina by virtue of the Charters granted by King Charles the Second. that by this Clause we mean and intend to surrender to His Majesty our Right and Title to all our lands not entered upon and improved, as well the Baronies and Lands granted to each of us as proprietors as also other our lands whatsoever in the Province of Carolina desiring that in drawing the Deed of Surrender they may be as fully conveyed, and vested in the Crown as we are capable of doing it, without any restriction or reserve

All which is humbly submitted

D. of Beaufort

L[d] Craven

James Bertie

H. Bertie

J. Colleton.

B. P. R. O. Carolina Prop.d Vol 5. p. 267

[no day or month given] 1728

To the Right Honble the Lords of the Committee of His Majesties most Hon. Privy Council

The Memorial of the Proprietors of Carolina whose names are hereunto subscribed

Humbly Sheweth That your Memorialists lately presented a Petition to his Majesty humbly proposing to surrender their respective entire propertys in the Province of Carolina upon the condition therein mentioned and considering that there are great arrears of Quit Rents &c due from the Inhabitants of that Province the collecting of which in case his Majesty should be pleased to accept of the proposal might not only be difficult to your Memorialists but also occassion great uneasiness to the People.

Your Memorialists have hereunto annexed an Estimate of the sd arrears together with an account of the claims of their Officers, and others which regularly ought to be answered out of the said arrears

In laying this Estimate and Account before Your Lordships your Memorialists humbly beg leave to observe that for want of a proper Register they cannot offer it as an exact account of their Arrears judging upon a strict enquiry much more will be found due to them yet it is drawn according to the best calculation they have been able to make under the long distracted state of affairs in Carolina whereby it appears upon a modest computation £9500 due as arrears of Quit rent &c and only £4824. 7s. 1d claimed by their Officers and others

Therefore in order to render every thing as easy as possible your Memorialists humbly propose that in case your Lordships shall think proper to advise his Majesty to accept the surrender of their respective properties in the Province of Carolina

Carolina your Lordships will also recommend it to his Majesty that he will be graciously pleased to cause the additional sum of £5000 to be paid to your Memorialists in consideration of which sum they are willing to surrender and make over to His Majesty their right and title to all arrears and demands whatsoever which they ever had or can have upon the Inhabitants of South and North Carolina and to discharge all their debts

And your Memorialists do further most humbly beg leave to represent to your Lordship that they humbly hope your Lordships will recommend it to His Majesty that he will be graciously pleased to fix such a time as in his great wisdom and goodness he shall think most proper for the Execution of the surrender and payment of the money in order to prevent the great damage which a long suspense in this affair may occasion to the Inhabitants and the province of Carolina in General as well as to your Memorialists in particular who would be ready and willing to close with some of the proposals which have been made to them for the better settling the province. which they would not presume to engage in till His Majestys Royal pleasure is known

All which is humbly submitted

Beaufort

Craven

J. Berkie

H. Berkie

J. Colleton

A. Hutcheson

B. P. R. O. Carolina Prop[ty] vol 5. p. 270

[no day or month given] 1728

An estimate of the Arrears due to the Proprietors of Carolina

The insurrection in South Carolina which began about the year 1718 hath not only interrupted all manner of correspondence between the prop[rs] and that province ever since but also had a considerable influence upon North Carolina and the Surveyors General having neglected their duty & made no returns as they ought to have done the Prop[rs] have no Rent Roll & consequently are not able to give a full account of their arrears due to them for which reason they begin their demands only from the year 1719 inclusive being nine years arrears which may be computed for both provinces at least at £800 per annum free of all charges in the whole amounting to £7200.0.0

Fines set and collected in Governor Nicholson's time which belong of right to the Prop[rs] and they are informed now or lately were in the hands of Mess[rs] Godin and Consiliere of South Carolina . . . £500.0.0

The tenths upon Mines proposed to be wrought of which a sample of the ore was sent over they value at. £1000.0.0

The tenths reserved upon the whale fishery in North Carolina granted four years ago which according to the account received must have been considerable valued for the four years at £800.0.0

Total £9500.0.0

N. B. There have been no account settled between the proprietors and their Receivers for above ten years before the year 1719 from whence they now date the

the Estimate of their Arrears. and it is adjudged if those accounts were regularly adjusted there would be at least £6000 more due to the Propriet.rs

It will also be necessary to observe that about the sum of £10000 ster8 per ann. is raised in South Carolina by dutys upon land, negroes and other commoditys appropriated for defraying the expence of the Government which does not regularly amount to half that sum. so that if it were duly collected and applyed it would not only supply what is necessary for the support of the Government but also afford an overplus for the General improvement of the Province

B. P. R. O. Carolina Prop.^y B. T. Vol 5 p. 272

[no day or month given] 1728

An Account of the several claims upon the Prop.^rs not yet adjusted

To the Crown for the Quit Rent reserved by the Charter of Carolina about...	£300. 0. 0
To the Secretary for his arrears and disbursements	1039. 7. 1
To the Clerks	165. 0. 0
To several Solicitors, Attorneys and Agents, Council Fees, Fees in the several Offices, and other disbursements and for their trouble and pains for more than nine years	620. 0. 0
To Judge Trot his Salary for Two Years	200. 0. 0
To Mr Craven money advanced for the Public Service	200. 0. 0
To ditto a present ordered by the Prop.^rs upon his not returning to the Government in consideration of his Good services during the time he served as Governor of South Carolina in defending the province and repulsing the Indians	1000. 0. 0
To Mr Johnson for arrears of Salary after the people refused to pay their Quit Rents	400. 0. 0
To House rent where an Office was kept . . .	400. 0. 0
To extraordinary charges and Gratifications . . .	400. 0. 0
Total	£4824. 7. 1

Signed

Beaufort. Ja: Berke. J. Colleton

Craven. Hen: Berke. Arch. Hutcheson

B. P. R. O. A + W. I. Vol. 621.

(Recd. Mar. 7th 1727/8)

To the Kings Most Excellent Majesty George by the grace of God of Great Britain France and Ireland King Defender of the Faith &c

The Humble Address of the Clergy of So Carolina.

May it please your Matye

With the Numerous Throngs of your Majesty's other most Loyal & Dutyful Subjects, We the Clergy of your Province of South Carolina humbly crave admittance to your Royal Presence to lay at your feet our mean but willing and sincere Tribute of condolance on the Death of your Royal Father, our late Most Gracious Sovereign, and of Congratulation on your happy Ac-cession to the British Throne.

Great and Universal sure was your peoples Sorrow on the Death of your Royal Father: But now that his Royal Son, your Sacred Majesty is ascended his Throne, all that Sorrow is fled away and no less great & Universal Joy succeeded in its room. And indeed how naturally so! How can it but banish all the Sorrow & inspire the most elated joy of your People, to see & feel themselves in the fullest enjoyment & security of their Religion as Protestants; of

of their Lawes, Rights, and Libertyes, sacred and civil as Britons; of Peace & safety at home, their Honour and Interests abroad; and in fine of every desirable Happiness in your Majtys Sacred person and Government? And while they at Home are thus without a farther Blessing to wish for in their Soveraign We humbly confide that some Glances of your Royal Eye will be cast on these remote (& only in being so, unfortunate) parts of your Dominions; and that the benign influence of your happy Government, will be diffusive enough to extend hither to us, even to us also.

Welcome then, thrice Welcome (Great Sir!) to the Throne of your Royal Ancestors.

May all your People ever approve themselves (as we Religiously promise we shall do) faithful and Obedient Subjects to Your Majtye, & firmly attached to the Protestant Succession, in your Illustrious House. – May you long reign and prosper over them; reign and prosper over their persons, but much more (as you desire) in their Hearts and affections: May you long be happy in your Royal Consort our Gracious Queen, and both in your Royal Progeny: May you late, very late, be remov'd from yor Earthly to a Heavenly Kingdom; and may there

there never want one of your Royal House to Sit upon your Seat till time shall be no more.
These are and shall always be the hearty Prayers of. —

May it Please your Majesty
your Majtyes most Dutyful &
Loyal Subjects & Servants
Tho. Hasell.
Wm Guy.
J. Garden.
Richard Ludlam.
F. Varnod
Lewis Jones.
J. Winteley.
Tho. Morrit.
Albert Ponderous.
John La Pierre.

B. P. R. O. A. & W. I. Vol. 18. p. 157.

(3 apl. 1728.)

My Lord

Had it been my good Fortune to have waited upon yo.r Grace yesterday, I shou'd have been able to have told you by word of Mouth the contents of what I am forc'd (now the gout has taken possession of me) to inform you by this letter; which Mr. Bertie will be so kind as to deliver to y.r Grace. (Viz) That as I and the rest of the Proprietors have agreed to part with our interest in Carolina upon such terms, as his Majesty has been pleased to accept, and such as we thought most conducive to the Benefit of the Publick in Generall & the Interest of that Province in particular; so we continue our hearty desires and shall indeavour y.t that Colony may flourish, and be of most benefit to the Kingdom of Great Britain; In order to this We earnestly desire that your Grace will be pleased to recom-mend Collonel Horsey to His Majesty to be the Governour who in our Opinion is a Person the most proper and fit for the Execution of that trust, & to settle and quiet the troubles & extream great Difficulties & Disorders that the Colony is now under; He does not

not want to make a Fortune there, nor will he go with any such view; and we are confident by the information we have received from thence, he will be the most acceptable person to the Inhabitants his Majesty can send; We, each of us design to take up such tracts of Land, & upon such terms as his Majesty shall be pleased to grant 'em to us; so y^t each of us may be as serviceable as we can in the settling & peopling of the Country. But we can't concern ourselves if Mr Johnson (who was our former Governour) is sent to Command there, of whose Conduct & disability we have had such wofull Experience. I therefore once more intreat your Grace to use your interest in Col: Horsey's favour, who has been so very instrumental in procuring this Surrender, & is the only Person, we know, y^t is capable to settle the Quiet & Repose of that Colony I beg leave to subscribe myself with all possible respect

My Lord

Apr. 3. 1728.

your Grace's most obed^t
humble Servant
Craven

B. P. R. O. South Carolina B. 2 Vol 3

C. 12 rec^d 5 April 1728

List of the Carolina papers herewith delivered rec^d from Mr Wragg

A. Journal of the Commons House of assembly from the first to the fourth of August 1727 (N° 3)

B. Journal of the Commons House of assembly from the 23rd of August to the 30th of September 1727 (N° 4)

C. The public account of Duty's (not Rec^d)

D. Representation and petition of the parish of St Pauls and St Bartholomew

E. Representation and petition of the parish of St Thomas and St Denis (7)

F. Petition of the Inhabitants of Christ Church parish (N° 8)

G. Memorial of Landgrave Thomas Smith (N° 9)

H. Petition of the Inhabitants of St James Santee (N° 10)

I. Petition of the Inhabitants of St Johns (N° 11)

K. Proceedings in the Upper House of assembly August the 1st 1727 (N° 1)

L. Proclamation (N° 12)

M. Journal of the Upper House of assembly from the 12th to the 30th of September 1727 (N° 2)

Rec^d } 5 April 1728
Read }

B. P. R. O. South Carolina B. T. vol 3.

G 14 recd. 5 April 1728

To the Honble. Thomas Broughton Esq. Speaker and the rest of the Honoble Members of the Comons House of Assembly.

The Representation and Petition of the Inhabitants of the Parisesh of St. pauls and St. Bartholomews conjoyned

Humbly Sheweth That Whereas after the many repeated Solicitations of several of the planters & others living in this County (too many in our humble opinion to be so little regarded) we have at last at the instance of the Inhabitants of Charles Town the welcome news of the Calling of our Representatives to meet the first of August next.

And as our necessities constrain us to petition for relief So we shall in the most submissive manner make application to Your Honrs for Redress from the many Grievous Burdens and Calamities which we His Majesties Liege subjects (the Inhabitants of this province) now Labor under and to represent to you in the most lively manner we can wherein those grievances consist that Your Honors may the better Judge of the proper remedies

We represent therefore that we are exposed to many difficulties from the uncertain state of our present currency & pray that some method may be taken to regulate the same either by encreasing the number of bills by Bank or otherwise or by a just and equal tender Law or by Valuing Silver and Gold at so much ℔ ounce or by reducing the Debts of the province with the Bills either to proclamation or Sterling Money or some other way so that equal Justice may be done to both Credr & Debtr for as matters are now it lies in the

20

the power of five or six people uniting together to ruin the Province because if the Bills are hoarded up & the debts of the Country sued immediately in such vast debts (more then twenty times our Currency) being due or oweing the consequence must necessarily be the Ruin of all Persons in debt who cannot command Bills but on such extravagant terms as the Lender pleases and that such measures have been pursued by some to distress their neighbors & fellow subjects is beyond all Question so that it strictly behoves all persons concerned for His Majestys Interest (in the welfare of this His frontier Colony) to look about them least we his most dutiful & Loyal Subjects be destroyed or drove out of the Province and this lately flourishing Colony become desolate or left an easy prey to the first Invader

That all causes Civil and Criminal be tryed in the County or precinct and not where the Debt was contracted for as almost all Debts are Contracted in Charles Town the Precinct Courts will be merely Nominal for what avails it to give a thousand pounds ꝑannum to a Judge and to summons Jurys to the Courts who when they come there have nothing or next to nothing to do for we cant but presume that since we have the same Chief Justice there may be Jurors found for the other Courts equally as just and upright as are those of Charles Town precinct

That whereas the treatment of the Will Town Justices has been very extraordinary & uncommon in the Court of Charles Town we humbly desire of the General Assembly that they would make an enquiry into that affair that Gent^n who serve the publick in their Capacity & have only their Labor for their pains may not want only of being better known in the Law be

hurried

hurried into such violent & chargeable prosecutions only to deter others from acting in that Quality and thereby to render the rest of the Courts useless

That whereas of late several attempts have been made and great contentions have arisen concerning the ancient English Freedom of petitioning for Redressing of Grievances We most earnestly pray for our future Gover.t it may be declared in Parliament whether we His Majesties most dutiful and loyal Subjects the free people of this Province descendants of His Majesties Ancient Kingdom of England & of the protestant Religion have any right to petition or whether our being born or living out of our Fathers House makes us Aliens or whether rather those who advised to issuing out those proclamations wherein we are branded with the odious Epithets of Factious Riotous and Seditious persons for our meeting together about such petition when we offered no man Injury and being suspected and imprisoned as traytors and Rebels are not betrayers of the Rights & Liberties of the subjects of the English nation and promoters of Arbitrary power being agreeable to the Votes of the house of Comons in England in the 32d of King Charles the Second

That every man be taxed according to the Value of his Estate (that is for his real and personal Estate) for we judge it a just principal that every one pay towards the support of the Govern.t according to the value of what he has maintained by it

That the Bill which was Ingrossed in the time of Gov.r Nicholson for regulating Marshals proceedings in case of Executions be put in force for as matters now stand, if a Marshall takes a negro that costs two or three hundred pounds he may sell him for Sixty or Seventy so that if we have an

an estate of three or four times the value of what we owe according to the present proceedings it will not near pay our debts and we may afterwards starve for aught we see without any favor

That the other Bill for regulating the practice of the Law be likewise enacted and made of force for we find the Lawyers grow Rich and powerful while the Planters are poor and disregarded and who worked to get must fight to defend what the other possesses besides we are informed that they have managed their Bills so that they have often been as large & sometimes larger than the debt they sued for

That the Money designed to be burnt be appropriated to fortifie Charles Town for it can be fortified no other way without driving the Country into the Greatest Straits and since the War is broke out we are very much of opinion that His Majesty had rather the Money was saved than that the Town (& consequently the Country) should be lost for want of a Fortification.

We humbly represent the unhappy state of a Country whose fortune it is to be ruined by the increase & flourishing of its Trade which must be our case if the duties (which are more then double what they were when the act for Sinking our Bills was past) are applyed for that purpose. for the consequence may be that the Bills that are intended by it to be Burnt in Eight or Nine Years may happen to be destroyed in two or three which we humbly apprehend is not what is expected by our Good and Gracious Sovereign King George that builds his happiness on that of his subjects

We pray the proofs made before the Committee of Grievances and their

Reports

Reports thereon be enquired into and that the persons there complained on be rend-
-ered incapable of injoying of any post of profit or trust in this province for the future
or punished any other way as in your Great Wisdom you shall see fit

But above all we pray your Honors as much as in you lies to take care
that the Habeas Corpus Act which is the darling of every true English man may
answer in this province the end it was made for that an Honest man may not be
detained in prison for six months (perhaps only because he's honest) upon pretence
we have not what some people call Terms oftener in this province

That the Law for tales men being taken out of the Special Balloting
Box as in the case of the Well Town Judges & not de circumstantibus and
that the Law for the Governor calling Especial Court we humbly pray be re-
-pealed for we presume those Laws may be made use of very much to the prejudice
of His Majesties Subjects of this province

These things we humbly hope your Honrs will take into Consideration
that they may be granted us for we take them to be Essential to the interest &
prosperity of this province and without which the strength of this Country
must necessarily sink and the strength of His Majesty's lately flourishing Colony
come to desolation, for it is very discouraging to your Petrs to see so many old
settled Inhabitants daily leaving the settlement

Thus the scarcity of Money the loss of a great part of our Trade by
the Bounty ceasing on Pitch and Tarr and the commuting of Bonds and other
securities has most grievously opprest and put back a great many people the
great and heavy Taxes the Large Interests that some of us pay & with the unrea-
-sonable proceedings in cases of Executions an Estate is sold for less than
half

half its value besides the vast charges a Man is at in the prosecution so that if some speedy remedy is not taken most of the Middling people will immediately leave us & many substantial Freeholders will likewise draw off gradually and what a condition will this Country be in when they have but few men left to encounter with such numbers of Enemies as are the Spaniards on one side & the Indians on the other and a more dreadful one among ourselves Viz! such vast Quantities of Negroes to grapple with.

We have a great deal of Reason here to expect more Lenity then any other of His Majesty's plantations because we are a frontier province and are forced to stand it as a barrier to North America against two such potent powers as the French and Spaniards besides being surrounded with very numerous and powerful Nations of Indians. But instead of that we Labor under greater hardships then any of his Majesty's subjects in America by not having half the Currency in proportion to our Trade they have & hard is our Fate if the General Assembly do not endeavour as much as in them lies to relieve us in these Extremities May it please your Honors we hope this will not be taken as dictating to you or Misbecoming Most dutiful members of the Commonwealth to Represent to their Representatives for we assure your Honors we speak this out of a just sence to truth and out of the Great Zeal we have to the Interest of the province hoping your Honors will seriously weigh these matters and apply suitable remedies for the relief of this His Majesties distressed Colony whilst it is in ye power to preserve us from being a sacrifice or prey to a few mercenary men

And Your petitioners shall pray

Chris! McKinson. Rob! Yonge. John Smelie. Wm oswill. Wm mechen. Wm melven

(Tho.

Thos. Sacheveril. Thos. Branford. Barnard Mc Cord. John Sreatt. John Jackson George Farley. Jos. Bidcott. John Martin. George Badger. E. Smith. James Martin Samuel Williams. Joseph Andrew. John Andrew. Edd. North. Thos. Ford. Jno. Mitchell John Cox. James Swinfool. Wm. Wesbury. Jos. Mitchell. Bryan Kelley. Lewis Morgan John Box Jr. James Buer. Royall Spry. Wm. Croll. John Page. Wm. Hendrick. Jacob Donom. Wm. Brandford. Cornelius Dargan. Wm. Cochran. Wm. Croll Jur. Abrahm. Didcout. John Hayne. John Peters. John Williamson. John Story. Wm. Bower Saml. Lowle. Danl. Hendrick. John Willson. Robt. Semple. Wm. Edings. Joseph Russell. Abrahm. Edings. Burrell M. Hyrne. Thos. Elliott Junr. Thos. Farr Junr. Richard Godfrey. Wm. Dandridge. Wm. Williamson. Frans. Dandridge. Wm. Elliott Robert Godfrey. James Mackewn. Jeremiah Miles. John Tucker. Saml. Turner John Biggs. John Burnham. Robt. Mackewn. Thos. Farr Senr. John Farr. Stepn. Farwell. Edwd. Garvin. James Reynolds. Wm. Emms. Ezekiah Emms. Thomas Snipes Rd. Reynolds. James Holker. Anarcy Pallorson. Wm. Bellinger. Epl. Emkett. Paul Hamilton Nathl. Walcot. Moses Martin Junr. Henry Hyrne

A true Copy attested

Eleazr. Allen Cl. Dom. Con.

Rec }
Read } 5 April 1728.

B. P. R. O. South Carolina B. T. vol 3
C. 15

rec^d 5 April 1728

To the Honble Thomas Broughton Esq. Speaker & the rest of the Honble the Members of the Comons House of assembly. The Representation and petition of the Inhabitants of the parish of St Thomas and St Denis

Humbly Sheweth

[This petition is identical with the preceding petition of the parish of St pauls & St Bartholmews C.14. being almost word for word the same]

And your petitioners shall ever pray

Th Akin. Hen: Bossard. Richd Singletory. James Belin. James Maxwell. Edm^d Dogarhe. Geo Threadcraft. James Daggor. John Stewart. Joseph Russ. Ed^d Wells. Char: Hayes Junr. Jeremiah Roper. Isaac Guerin. Lavis Dutart. Isaac Lesesnes. Ric^d Darby. Walter Dallas. John St Martin. Elijah Russ. Eleanor Tord. John Russ. Saml Johnson. David Russ. Walter Johnson. Theodore Stuart. John Snow. Sam: Poitvit. George Deiser. Jeremiah Russell. Anthony Poitune. Saml King. Saml Simmons. Francis Simons. Peter Smith. Joseph Russell. Daniel Daniells. Edward Spere. John Sune. Solm^n Sune. Matt Quash. Peter Stanley. Willm Wright. Wm Elliott. Jos Stone. Charles Hayes

A true Copy attested
Eleaz^r Allen C. Dom. Com

Rec^d
Read } 5 April 1728

B. P. R. O. South Carolina B. T. Vol 3

C16

rec.[d] 5 April 1728

To the Hon[ble] Tho.[s] Broughton Esq[r] Speaker of the Commons House of Assembly & to the rest of the Hon[ble] Members thereof

The humble Petition of sundry of the Inhabitants of Christ Church Parish

[This petition is identical with the preceding petition of the the parish of S[t] Pauls and S[t] Bartholomews C. 14 being almost word for word the same]

And your petitioners shall ever pray

Tho.[s] Bennett. W[m] Birkhead. Jon[n] Stocks. Tho.[s] Player. Jos. Saverance. Jos. Huggen. Ja. Marrell. Tho.[s] Bates. Sam[l] Torchell. W[m] Waters. Jos. Webb. William Lewis. Benj[n] Hooket. Alex[r] Trisel. Antho. Wodin. Jn[o] Teskin. Robert Morrell. Tho.[s] Toring. Jn[o] Stevenson. Jn[o] Bennett. W[m] Barton. Jn[o] Sasseau. Ja. Hawkins. Jas Bollough. Jos. Jolly. John Murrell. Jn[o] Twens. Jos: White. Henry Lewis. W[m] Cook. Ben: Jozy. Geo. Hadrel. Jn[o] Bonnel. James Hartley. Henry Tornish. Archibald M[c] Dowell. Tho.[s] Jones. Jos. Law. Olivr Spencer. Thomas Boon. Geo. Logan. Tho.[s] Barkdale. Jn[o] Vanderhost. Cha: Lewis. Jonas Bonhoste. Geo. Benison. John White. Tho.[s] Barton. John Trone. John Younge. Rich[d] Rowzier. Jon[n] Gibens. Ebenezer Mallory. W[m] Borlan. John Hendrick. Tho.[s] Hamlin. John Hugens. Jas Fitzgarld. Alien Burgain. Doctrina Thompson. Moses Joy. W[m] Bollough

A true Copy attested

Eleaz[r] Allen C[l] Dom. Com

Rec[d] }
Read } 5 April 1728

B. P. R. O. South Carolina B. T. Vol. 3.
C. 17

To the Honble Thomas Broughton Esq Speaker of the Honble Commons House of Assembly and the Rest of the Honble Members now convened in Charles Town

The Memorial of Landgrave Thomas Smith

Sheweth That by virtue of a Warrant from Thomas Hepworth Esq. late Chief Justice dated the 11th of June 1727 being Sabbath day. on Monday morning being the day following at 3 oclock had his house surrounded by a body of Man of Wars men & three Town Constables all armed and by a feigned Lie one Tevenson a Town constable who pretending he was going to Goose Creek lost his way and wanted Lodging by which he was admitted into the House and then followed many others and after they got into the Hall ran up to the Chamber where ye Memorialist and Wife lay several of them forced open the door and came into the Chamber also armed to the great terrifying of your Memorialists wife being then big with child. After which your Memorialist's eldest daughter (he had at home) coming in the Hall seeing so many armed men she fell into fits when your Memorialist was by force hurried away to Charles Town, not suffered to tarry to see his daughters fits over which fright occassioned her six weeks illness after.

Your Memorialist being so apprehended was carried before the Chief Justice where he tarried near two hours without any examination or hearing or saying one word to him tho' by the said Warrant your Memorialist was to answer the premises before the said Chief Justice and no other according to Law But he signed a Mittimus charging ye Memorialist with High Treason in conspiring and endeavoring to raise an Insurrection in this his Majesties

province

Province to subvert his Majesties Government and to levy War against his Majesty

Your Memorialist being so committed to prison has been ever since and now is a close prisoner your Memor^l in Order to be relieved from his Confinement did by his Council Mr Robert Hume move the present Chief Justice for a Writ of Habeas Corpus by the Common Law which being denyed your Memorialist because no Court was sitting therefore Your Memorialist applyed himself again by Petition to the said Chief Justice the 22^d of July last to grant him a Writ of Habeas Corpus founded upon the Statute of the 31st of King Charles the Second commonly called the Habeas Corpus Act which is made of force in this Province But the said Chief Justice made answer thereto that he would consider of it the 8th of August By which means Your Memorialist will be confined in prison seventeen days longer and is not assured that at the end of that time the Writ of Habeas will be granted him which unreasonable delay of the said Chief Justice your Memorialist takes to be a plain denial of Justice And your Memorialist not being able to be releived from his Confinement any other way at present is therefore obliged to have Recourse to this Honble House who are the Conservators of the Rights and Libertys of the People

Your Memorialist conceives he has the hardest treatment imaginable considering he is one of the eldest Settlers in Carolina and has in his life time spent at least twenty five years in the Council and Assembly in serving the Public at his own charge and ye Memorial^t is of opinion that his Family pays as much (if not more) to the support of His Majestys Government then any in Carolina and has at present in his own Family and his Childrens twenty four men that he can arm against all that opposes King Georges authority which

he

he is ready to vindicate against all pretenders whatsoever.

Your Memorialist therefore desires this Honble house that they will please to take his case into Consideration and that he may be declared to be within the benefit of the Habeas Corpus Act. your Memorialist being ready to make it fully appear to this Honble House that he is fully intitled to the same by a Gent^n learned in the Law who this Memorialist prays may be heard at the Bar of this House for that purpose and that y^r Memorialist may be further Releived according to your Honors Wisdom

Thomas Smith

A true Copy attested

Eleazer Allen C. Dom Com

Rec^d } April 5th 1728
Read }

B. P. R. O. South Carolina B. T. Vol 3.

C 18 rec^d 5 April 1728

To the Honble Thomas Broughton Esqr Speaker & the rest of the Honorable
The Comons House of Assembly

The Petition of the Inhabitants of the Parish of St James Santee

[This petition is identical with the preceding petition of the Parish of St Pauls & St Bartholomew C. 14 being almost word for word the same]

And your Pet^rs shall ever pray

Geo. Pawley. Isaac Le Grand. Josh^a Toune. Jno Barnett. Peter Robert Junr Jas Guerry. Augustus Laurens. Jno De Liesselinne. Louis Gourdin. Peter Guerry. Isaac Dubose. Andw^w Rembert. Peter Robert. Peter Birchall. William Drake Junr. Jno Healy. Willm P. Price. Jno Sillivant. Jno. Wellsteed. Matt Drake William Marks. William Drake. Thomas Cooper. Jon^a Pamer. William Newman Thos Harewell. Edwd Thomas. Danl Williams. Saml Iurco. Saml Masters

A true Copy attested
Eleazer Allen C. Dom Com

Rec^d } 5 April 1728.
Read }

B. P. R. O. South Carolina B. T. Vol 3.

C. 19

To the Honble Thomas Broughton Speaker & to the rest of the Honble the Members of the Commons House of assembly

The humble petition of the Inhabitants of the parish of St Johns

[This petition is identical with the preceding one of the parish of St pauls & St Bartholomews C. 14 being almost word for word the same]

Martin Alford. Jno. Williams. Law. Joy. Antho. Pawley. Harrell Bly. John Alson. William Alston. John Pahuz. Mich.l Macnamara. John Blake Elias Ball Sr. Jno. Harleston Sr. Francis Lejau. George Moore. Dan.l Dunnerian George Saunders. William Ago. Sam.l Sanders. Abm Sanders. John Mills Tho. Chinners. John Jones. Geo. Nelson. Nath.l Rusco. Jon.n Ward. John Ward. Josh. Harrison. Matthew Neilston. John Neilson. Mich.l Clench. James Le Bas Henry Simons. Edw.d Keating. Thos Mitchell. peter Hermon Sen.r Jas Tilley Jos: Mackey. Thos Wilkison. Will.m Betterson. John Jones. Jas Colleton. Thos parmer. Isaac Chinners. Wm Greenland. Abraham Chinners. Jno. Greenland Jno. Evans. Jacob Burdell. Thos Summers. Sam.l Summers. John Summers

A true copy attested

Eleazer Allen Cl Dom Com

Recd }
Read } 5 April 1728

B. P. R. O. South Carolina B. T. Vol 3. Rec^d 5 April 1728

C. 20 31 October 1727 (inclosure)

Memorandum

That on Thursday the 19th of October 1727 The Honble Arthur Middleton Esqr president and Commander in Chief of the said province for the time being &c having received the Duplicates of his Orders from the Right Honble the Lords Commiss^rs for Trade and Plantations for proclaiming His Majesty King George the Second gave orders for summoning his Majesty's Honble Council and the Members of the Commons House of assembly to meet him in Charles Town on Thirtieth of the same Month in Order to be ready to proclaim His Majesty on the Thirty First And ordered that the same should be made known to the Inhabitants of the said Town.

At a Council held at the House of Col Miles Brewton in Charles Town October the 31st 1727.

Present

The Honorable Arthur Middleton Esqr president

Alex^r Skene. James Kinloch } Esq^rs of His

Charles Hart. Benjn De La Consellere } Majesty's Council

The late Members of the Comons House of assembly The Clergy The Gentlemen of the Law. The Officers of His Majesties Customs. The Officers of His Majesty's Independent Comp^y and Militia and a Great Number of Gentlemen Merchants & Planters attended and signed the proclamation for publishing and proclaiming his Majesty King George the Second after which they

proceeded

proceeded with the Troop and Town Companys in Great order to Church where a suitable service on such an Occasion was performed by the Rev.^d the Minister of St Philips Charles Town after which they returned in like good order to Granvill Bastion where with great Solemnity the s.^d Proclamacon was published as also the Proclamacon for continueing of all Officers On this Occasion the Artillery on the said Bastion as also of Johnson's Fort and the several Ships in the Harbor were discharged and also the small Arms of the Militia who were drawn up for that purpose, after which the Honble the President gave a splendid Entertainment and then adjourned to the next day to administer the State Oaths.

Whereas it hath pleased Almighty God to call to his Mercy Our late Sovereign Lord King George of Blessed Memory by whose decease the Imperial Crown of Great Britain France and Ireland, as also the Supreme Dominion and Sovereign Right of the Province of South Carolina and all other his late Majestys dominions in America are solely and rightfully come to the High and Mighty George Prince of Wales We therefore the Governor and Council with numbers of the principal Planters and Inhabitants of this Province do now hereby with one full Voice and consent of Tongue and Heart publish and proclaim that the High & Mighty Prince George Prince of Wales is now by the death of our late Sovereign of Happy Memory become our only Lawful and Rightful Liege Lord George the Second by the Grace of God King of Great Britain France and Ireland. Defender of the Faith supreme Lord of the said

province

province of South Carolina and all other his late Majestys Territories and Dominions in America To whom we do acknowledge all Faith and Constant Obedience with all hearty and humble affection Beseeching God by whom Kings and Queens do Reign to bless the Royal King George the Second with long and happy Years to Reign over us

Given at the Council Chamber in Charles Town in the Province of South Carolina on the Thirty first day of October In the First year of His Majestys Reign and in the Year of our Lord One thousand seven Hundred and Twenty seven

God save the King

Arthur Middleton. Ralph Izard. Wm Bull. A Skene. Charles Hart
B. Schenkingh. James Kinloch. Benjn De la Conseillere. Joseph Blake
Thos Broughton. John Fenwyck. Benjn Whitaker. Richd Allen. Jacob Bond.
Charles Hill. Wm Rhett. Saml Eveleigh. Robt Hume. Willm Dry. Walter Izard
Wm Sanders. Thos Gadsden. Arthur Hall. Jno Barton. Thos parker. Geo Smith
Francis Goddard. Jas Meyrant. Jonn Drake. Job Rich. Nathl Broughton.
Gat Vanveloun. Alex Hext. Jno Raven. Thos Ladson. arthur Upton. Wm
White. Jno Wright. Jno Brown. Robt Wright. Jacob Motte. Thos Bendford
Hen. Perruneau. Thos Farrington. Thos Dolman. Saml Fofte. Gabl Escotte
Wm Joliff. Paul Jennys. Fredk Somerville. John Dart. James Paine. Josh
Wragg. Thos Ellery. Isaacc Holmes. Richd Splatt. Wm Billing. Robt Wright.
Charles Pinckney. I. Hutchinson. Joseph Fox. René Ravenall. John Gibbes.
Geo Bampfield. Hen: Hargrave. Edwd Massey. J Skene. Francis Holmes
James Staneway. Law Coulliette. Child: Croft. Thos Heyward. Robt Austin

A.

A. Garden. Wm Grey. Thos Haswell. Richd Ludlam. Frans Varnod. J Winterlay
Thos Myles. Benjn Godden. Abm Satur. Pd St Julien. Thos Wigg. Robt Brewton
Wm Saxbey. Edwd Croft. John Lewis. A Broughton. Mt Brewton. Wm Tunley
Thos Loyd. Isaac Mazyck. Gideon Thornycroft. James D. St Julian. D Baldy
John Bomin. Nathaniel Bassett.

A true Copy attested
p Wm Tunley Cl. Con.

Recd } 5 April 1728
Read }

B. P. R. O. Journals. B. T. Vol 38

Whitehall Friday 5 April 1728

At a Meeting of His Majestys Comm^rs for Trade and Plantations

Present

Earl of Westmoreland   Mr. Ashe

Mr. Chetwynd   Sr. O. Bridgeman

Mr. Docminique   Mr. Cary

* * * * * * * * * * *

So. Carolina — The Secretary then laid before the Board the following Papers which he had received from Mr. Wragg Agent for South Carolina Viz! Minutes of Council in Assembly from the 1st of August to the 2d of September and from the 12th to the 30th of September 1727. Minutes of Assembly from the 1st to the 4th of August and from the 23rd of August to the 30th of September 1727. The Public Account of Dukes. Repn. & petition of the Parish of St. Pauls & St. Bar-tholomew. Repn. & petition of the Parish of St. Thomas & St. Dennis. Petition of the Inhabitants of Christ Church Parish. Memorial of Landgrave Thomas Smith Petition of the Inhabitants of St. James Santee. Petition of the Inhabitants of St. Johns Proclamation of His present Majesty

* * * * * * * * * *

16 May 1728

Carolina — Col Johnson. Mr. Shelton Mr. Yonge and Mr. Wragg attending as they had been directed. Their Lordships after some discourse with them con-cerning our South bounds of Carolina desired these Gentlemen to let the Board have in Writing as soon as possible what they knew concerning this matter.

* * * * * * * * * * *

17 May 1728

S. Carolina ordered that the two following Acts passed in South Carolina in 1727 be sent to Mr Fane for his Opinion thereupon in point of Law. An Act for carrying on several Expeditions against Our Indian and other Enemies and for defraying the Charges thereof. An Act for appointing a Comm.r for managing of the Indians and for supervising the Garrisons in the room of Coll.o George Chicken deceased

\+ + + + + + + + + + + + +

24th May 1728

S. Carolina Ordered that Mr Huet be acquainted that the Board desires to speak with him on Tuesday morning next in relation to the Fort built upon the Alatamaha River in South Carolina

\+ + + + + + + + + + + + +

28th May 1728

S. Carolina Coll.o Johnson attending presented to the Board a Letter signed by himself. Mr Yonge and Mr Wragg in relation to the Southern Bounds of Carolina which was read. And Mr Huet attending with Mr Shelton and Mr Godin, their Lordships had some discourse with them in relation to the situation of Fort King George which they agreed to be upon the Alatamaha River, and at about equal distance between Port Royal and St Augustine

\+ + + + + + + + + + + + +

29 May 1728

S. Carolina A Letter from Coll.o Johnson dated this day acquainting the

the Board that Capt John Bodler at Shrewsbury is capable of giving the best information with respect to the situation of Fort King George in South Carolina was read. Whereupon ordered that a Letter be wrote to the said Capt. Bodler to desire he will give the Board an account of what he knows concerning the said Fort

\+ + + + + + + + + + +

30th May 1728

S. Carolina The Letter directed yesterday to be prepared to Capt. Bodler, relating to Fort King George in South Carolina was agreed to & order'd to be sent.

\+ + + + + + + + + + + +

10th Septr 1728

So Carolina The Secretary then laid before the Board a Letter he had received from Mr Thomas Lowndes dated yesterday in relation to the settlement of some Palatines in South Carolina and a Memorial from Mr Missing upon the same subject which were read Whereupon ordered that they be desired to let the Board have as soon as may be what they may have further to offer upon this subject.

\+ + + + + + + + + + + + +

19th November 1728

S. Carolina A letter from Mr Whitaker Attorney General of South Carolina dated the 13th inst. was read as also the following Paper therein inclosed Viz! Articles relating to the Conduct of Arthur Middleton Esqr President of the Council of South Carolina. And their Lordships resolved to consider further thereof to Morrow Morning

\+ + + + + + + + + + + +

20 November 1728

Their Lordships taking again into consideration the Letter and paper from Mr Whitaker Attorney General of South Carolina, mentioned in yesterday's Minutes in relation to the conduct of Mr Middleton president of the Council & Commander in Chief of that province gave Directions for writing to Mr Whitaker and for acquainting Coll.o Johnson late Governor of that province with the Boards desire of speaking with him on Tuesday next.

* * * * * * * * * * *

26 November 1728

A Letter from Mr Whitaker Attorney General of South Carolina dated at Bristol the 23rd Inst. in answer to one Ordered to be wrote to him at the last Meeting relating to his account of the Behaviour of Mr Middleton president of the Council of that province, mentioned in the Minutes of the same time was read and their Lordships resolved to consider further thereof tomorrow Morning

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27 November 1728

Their Lordships taking again into consideration the Letters from Mr Whitaker Attorney General of South Carolina, mentioned in the Minutes of the two last Meetings, in relation to the Behaviour of Mr Middleton president of the Council in that province gave directions for preparing the draft of a Letter to the Duke of Newcastle thereupon

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29 November 1728

S. Carolina. The Letter to the Duke of Newcastle upon Mr Whitakers Acco.t of the President of South Carolina's Behaviour agreed yesterday was signed.

Plans General. Sir William Keith Col.o Spotswood Col.o Shute Col.o Johnson & Mr Gee attending as they had been desired. Their Lordships desired they would inform the Board whether they knew of any projects for promoting the Silk Linen or Woolen Manufactures. Whereupon Sr William Keith acquainted the Board that my Lord Townshend had directed him to put his Thoughts in writing upon this subject. And he presented to the Board a Copy of it which was read as also a Letter from him relating to the same matter. Col.o Spotswood then acquainted the Board that whilst he was Lieut Gov.r of Virginia some private Families had employed their Servants in Manufacturing Wool for their Families. But that they never did it when the returns of Tobacco were sufficient to answer their expences. He added that during his Time there never was any made for Sale.

Col Shute said that some people in New England had done the same for their own use.

Col. Johnson then acquainted the Board that he did not think there could be any danger of the people of Carolina's undertaking any Manufacture in Linen or Woollen if there was any encouragement given to their making Naval Stores.

Mr Gee being asked the same Question informed the Board that he had heard that some Palatines in Pennsylvania had raised both hemp

hemp and Flax and that they had made linen and sold it at Market.

Their Lordships then asked these Gentlemen whether they thought that if some encouragement was given for the making of Naval Stores in the Plantations it would not prevent the manufacturing Silk. Linen and Wool And they all agreed it would

These Gentlemen being withdrawn their Lordships took again into consideration the order of the Committee in Council of the 19th Inst and mentioned in the Minutes of the 26th directing the Board to lay before them the best information they can get of any Silk Linen or Woollen manufactures erected in any of the Plantations. And gave directions for preparing the Draught of a Representation thereupon.

B.P.R.O. South Carolina (B.T.) Vol. 25 p. 238

17 May 1728

To Francis Fane Esq.

Sir,

My Lords Commissioners for Trade and Plantations command me to send you the two following Acts passed in South Carolina, for your Opinion thereupon in point of Law.

An Act for carrying several Expeditions against Our Indian and other Enemies, and for defraying the Charge thereof passed 30th Sept. 1727.

An Act for appointing a Comr. for managing of the Affairs of the Indians, and for Supervising the Garrisons in the room of Col: George Chicken Deceased. passed 30th Sepr. 1727.

I am,
Sir,
Your most humble Servant,
Ald. Popple.

Whitehall.
17 May 1728.

B.P.R.O. A & W. I. Vol. 18. p. 158.

May the 17. 1728.

May it please your Grace,

In my Letter of the 31st of June last, I gave his Excellency Governour Nicholson An account of the Disturbance made in the Government by Landgrave Thomas Smith & of the Disorders and Tumults of the People here, which Letter Governour Nicholson Acquaints me He layed before your Grace, and that the same has been since layd before his Majesty in Council; I was in hopes ere this, some Notice would have been taken thereof, and that I should have received some Orders and Instructions thereon, signifying his Majestys displeasure both as to the one and the other, the Want thereof, is attended with this ill effect, That the People continue in their Riotous dispositions, and are daily affronting the Government, and their Ministers here, In regard they imagine, Our applications to the Government at home are but fruitless since they see nothing comes of it.

On the 31st of January last the time of the yeare drawing nigh for Raising the Annual Tax and Provideing for the support of the Government as usual, I was Obliged to call an Assembly, Who met

met accordingly on the said 31st of Jan^ry last, but those Riotous and disorderly Persons, who had given the Government soe much uneasiness Took care to send such Persons for their Representatives as should rather favour their Proceedings then discountenance 'em And the Assembly they choose Answered theire expectations to a Tittle, for instead of entring upon the Public Business, They sent up to his Majesty's Council divers preposterous Bills to be past into Law. One for settling the Rates of Forreign Coines here, Expressly contrary to the Statute of the Sixth of her late Majesty Queen Anne, and adjusting it to the rate of theire own Bills of Credit here. And at other times pretending to settle the course of Exchange by an act; and by another Bill to fix a value on Gold but the whole of their Scheme was to fix a Rate or value upon their Debts which they Owe in the Bills of Credit, and putting it in their Power to pay their Creditors in what specie they pleased; as those Laws were expressly contrary to the said Statute of Great Britain, and his Majestys perticuler Instructions enjoyning the due Observation of the said statute, and as those Bills doe greatly affect Trade, and the Property of His Majestys Subjects, both in great Britain

Britain and here, His Majesty's Council did refuse to pass such Bills without a saveing Clause. because they were expressly enjoyned so to doe by His Majesty's Instructions.

The Lower House of Assembly finding they could not gain their ends, Did postpone for fourteen weeks together making any provision for the raising any Tax for the support of the Government Or to pay their Public debts, and there being noe prospect of their inclination to doe it, By the unanimous Advice of His Majesty's Council, I Dissolved 'em.

I am now with His Majesty's Council preparing a General Representation of the State of this Province to be layd before his Majesty. And if such a Petty Collony as this, are suffered to run on, at this Rate, and are permitted to take such boundless Libertyes, daily affronting the Royal Authority and his Representative and Ministers here, as will appeare they have done, and that without the least Censure or Resentment from home, I know not where will be the end of these things.

Inclosed I send your Grace some few of theire Proceedings which will give yo.r Grace an insight What they are for the present, And shall send the whole wth the

the General Representation, and then shall humbly pro-
-pose to your Grace What Expedients are proposed to
be taken.

I beg your Grace will have some Regard to
these matters when they are layd before you,

I am

May it please yor. Grace
Your Grace's most humble
and Most Obedient Servant
Ar: Middleton

B. P. R. O. South Carolina B. T. vol 3
C 21

Memorial from Mr Godin relating to ye first Settlement of Carolina

All that tract of land on which Carolina and St Augustine lays was first called Florida from the abundance of Flowers which the country naturally producest it was settled first by the French in the reign of Charles the 9th King of France and in honnor to him called Carolina they also named all the Rivers & satt down principally at Port Royall this being a favorite Collony of Admirall De Colligny who in the begining of the reformation had views to establish it as a refuge for the persecuted protestants but being betrayed by ello Gagnon & then unfortifyed the Spaniards came from Cuba & the Havanna and murthered them all. of which the admirall had resolved to take a signal revenge and was preparing for this purpose a large Imbarcation at Dieppe but was prevented by the massacry of St Barthelemy wherein he himself was so barbarously butchered The Spaniards seeing the consequence of that coast between which and the Island of Cuba all the treasures of the Indies must pass resolved to secure some part of it to themselves for the safety of the passage of their Gallions & Flottas built for St augustine & kept there a Garrison ever since and nothing more

Now the English coming a 100 years after the French had been routed out of the country as it were to revenge the Blood of so many protestants may very well say that St Augustine is built within the limits of Carolina for there were never any Boundarys or Frontiers settled with them to ascertain what was theirs or ours but it appears that the Inhabitants always

took

took the Alatamaha River to be a natural boundary between us since Governor Nicholson built Fort King George beyond it which put the Spaniards upon complainining of it as an Infraction there being no Inhabitants near it for a great distance that Fort being Three hundred miles from Port Royal as I was told

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Florida was first discovered by about 1490 for King Henry the 7th. The French in 1560 odd went and settled upon it by direction of Admiral De Colligny called it Carolina in honor to Charles the 9th King of France. named the Rivers and places particularly port Royal and Charles Fort. They were betrayed to the Spaniards by one Knight of Malta called bille Gagnon who the Admirall had sent there on his pretending to be well affected to the protestants. they came from Cuba and murthered & routed them not as Frenchmen as they pretended but because they were Lutherans. afterwards the Spaniards knowing the Importance of that Coast along which the Gallions and Flottas must pass thought fitt to secure some part of it for themselves and so built Fort St Augustine there.

The English came 100 years after the French in the Reign of King Charles the 2d and settled the Country as it is now. By the Treaty of Utrecht every potentate was to keep what he had in possession either by conquest conuance or acquisition

Recd. } 21 May 1728
Read }

Stephen Godin

B.P.R.O. South Carolina B.T. Vol 3

C 22

Mr Sheltons acco^t of the Bounds & Settlements of Carolina & Bahama

The second Charter from the Crown to the Proprietors dated 1665 the Boundaries are from 36 degrees Northern Latitude to 29 inclusive

Tho' the Inhabitants usually reckoned the Bounds of Carolina to extend no farther than St Maria River yet by perusal of Mr Nairns Mapp & other more antient Mapps I find that the Fort of St Augustin is included within the Proprietors Charter.

There was a settlement lately made upon the Fork of Alatamaha River and last winter one Smallwood and his Company were killed there by the Indians incouraged as we supposed by the French and Spaniards

In May 1709 there was a letter from the Proprietors to her Majesties Commissioners of the Plantations (when there was a treaty set on foot for a general peace) that the French might be obliged to quit their Settlements upon the Mississipi which was so prejudicial to all her Majesties Collonys in America. Afterwards a representation was made to the Crown that the settlement of the French at Moville was an incroachment upon the British dominions and the property of the Subjects in those parts and that the French had found Silver Mines there &c

The Charter for the Bahama Islands bears date 1670 and their bounds are all the Islands called Bahama &c and all other Islands lying in the degrees of 22 to 27 Northern Latitude And I dont remember that his Majesties subjects were ever disturbed in their possessions there. Ri: Shelton

Rec^d Read } 21 May 1728

B. P. R. O. South Carolina B. J. vol 3

C. 23 London 28th May 1728

My Lords

In pursuance of your Lordships commands we lay before your Lordships the best account we can of the settlement of His Majestys subjects in the province of Carolina & also of the attempts the Spaniards have made at any time either to settle there themselves or to disturb the present possessors all which we have collected from the most Authentick History, Tradition and our own Experience

History informs us that Sebastion Cabot was the first discover.r of Florida for the King of England about the year 1497 what part of that Country is here meant by Florida we are at a loss to know but it must undoubtedly be to the Northward of the Cape for that was known before by the Spaniards who had settled the Island of Cuba which is almost in sight of it

In 1512 John Ponce de Leon landed, erected a Cross and called the Country Florida but made no settlement there returning with his men to the Havannah

In 1520 or about that time Lucas Vasques de Aylon landed on Florida and after a short stay returned to Hispaniola the said Vasques about two years afterwards received Letters from the King of Spain appointing him Governor of Florida he fitted out a ship thither and not long after went himself but without success

In 1528 Pamphelius Navarez had a Commission from Charles the 5th to be Governor of Florida but after many struggles with the Natives they were all

all destroyed except four men who escaped to Mexico

In 1089 Ferdinandus Sotus Governor of Cuba landed on the Continent and built a Fort at the Appalaches but he died and his men returned to Mexico afterwards Peter Mahumada and Julius Samano landed but with their Men were all destroyed by the Natives

Thus far we are told of the attempts the Spaniards have made to gain footing on what they call Florida which to this time (that is the year 1640) they were not able to do. nor is it probable they had ever been to the northward of 30 or 31 degrees of Latitude thó now we are informed they call all the coast from the Cape of Florida to the Capes of Virginia by the common name of Florida and as such claim it as the first discoverer althó for many years before that Virginia and a great part of New England was in actual possession and settled by the English

We cannot learn by any accounts that the Spaniards ever remained or continued in the actual possession of any part of the Sea Coast of Florida to the Northward of S.t Augustine which is in the Latitude of 30. The French indeed were in possession of the River Mayo now called by us the River May or the Indian Name Allatamaha where in 1657 Domingos Gorgeos is said to have built a Fort for the King of France and gave the Province the name and the fort that of Charles Fort from which he was dislodged by the Spaniards who erected two Forts there but very soon after were obliged by the French again to abandon them. which the French did also soon after from which time it has never been in the possession of any but the English

As

As to their attempts against Carolina about the year 1686 the Span-
-iards from St Augustine attacked a Settlement of Scotch at Port Royal
in the Lat of 32°.6 then under the command of the Lord Cardross which
they succeeded in and which was also done in a time of profound peace
between the two Crowns of England and Spain yet the Spaniards kept
no possession but immediately returned to St Augustine ever since
which the subjects of England have had possession of all that country and
tho' not of the sea Coast further than 15 or 20 miles to the Southward of Port Royal
until the year 1721 when his late Majesty commanded a Fort to be built on the
entrance to the River Alatamaha or May yet the English on the Fork of that
River have for many years had Settlements & a Fortification without any dis-
-turbance from the Spaniards on that side & as this possession was before the
Treaty of Utrecht We presume was secured and yielded to the King of Great
Britain together with all other His Majesties Dominions then in his pos-
-session in America

In the year 1703 under the direction of Sir Nathaniel Johnson then
Settlement of Appalacha which is behind St Augustine to the westward &
something southerly of it about the Latitude of 30° was attacked and
they were driven quite away and have never settled in it since

In the year 1706 they attacked Carolina from the Havannah with
six ships and about 1000 men but were repulsed by Sr Nathan:l Johnson
with great loss so that St Augustine is the only place they have retained
an actual possession of to the Northward of the Cape of Florida

Thus Your Lordships may be pleased to observe that the English
were

were the first discoverers of Florida in the year 1497 and that as to Carolina that in the year 1666 King Charles the Second by his Letters patent granted all the Country from the Latitude 36: 30 to the Latitude of 29 Inclusive to certain Noblemen who immediately took possession of it and made their first settlement at Charles Town in the Latitude of 32: 45 & so have settled and kept possession as far as Virginia to the Northward and to the Southward as far as the River May or Alatamaha which is in the Latitude of 31°: 12' All which we humbly submit to your Lordships who are your Lord^ps

Most obed^t & most humble Servants

London May 28th 1728

Robert Johnson

Francis Yonge

Saml Wragg

Rec^d } 28 May 1728
Read }

B. P. R. O. South Carolina B. T. Vol. 3

C 24 — 29 May 1728

To Allured Popple Esq

Sr

Capt. John Bodler is at Shrewsbury the people where he lodged in Town tells me if I will send a Letter they will take care it shall go safe he lodged at the Grecian Coffee House in Devoroux Court so if you please to send to me or there it shall be taken care of he can satisfy their Lordships of anything relating to Fort King George upon the River May I am Sr

Your most devoted humble servant
Robert Johnson

Recd. / Read } 29 May 1728

B. P. R. O. South Carolina (B.T.) Vol. 25 p. 289.

30 May. 1728.

To Capt. John Bodler

Sir,

Colo. Johnson having informed my Lords Commiss of Trade and Plantations that you have been at Fort King George in South Carolina, which was built by Colonel Barnwell, during Genl Nicholson's Governmt; I am commanded to desire you will send to their Lordsps as soon as possible an Acct of what you know concerning the said Fort, but particularly upon what River it is Erected.

I am,

Sir

Whitehall.
30 May 1728

Your most humble Servt
Alured Popple.

N. B. with a Schedule of Losses sustained by depredations of the Spaniards, went a Representation, dated 20 June 1728, wherein was set forth the Right of the Crown of Great Britain to the Southern part of Carolina, especially to the Fort King George on the River Alatamaha

57

alatamaha.

Vide Trade N. Folio 346.

B. P. R. O. South Carolina B. T. Vol. 3

C 25 Salop 9th June 1728

To the Lords Comm.rs for Trade & plantations

My Lords

I returned home yesterday and found a Letter from Mr. Popple and with pleasure obey your Lordships Commands and send the best account I can of Fort King George

The Fort stands upon a branch of the River called Allatamaha and upon a point of Land that is very unwholesome and being part of it made ground out of Marshy land In spring tides the water flows into the Barracks the Garrison is in the Form of a Triangle tho' not a just one the two angles to the Land are defended by Mud Walls and a Fosse pallisadoed the other is defended by the River Capt. Barker an Engineer sent there by his late Majesty much disaproved of the work and would have persuaded the Govern.r to have demolished it and built it on a more proper place for the services of the Country and health of the Soldiers

The distance from the Fort to the Main River is Two leagues with many windings through Marshy lands and from the entrance to the main River w.ch is called the cut off to the Bar is about Eight leagues I was six days running down the River and was forced oft for want of water to anchor before the tide was three quarters ebb in a sloop that drew but nine feet of water

As to any other affairs of the Country I am at your Lord.ps commands to give your Lord.ps as just an acco.t as my Journal and Remarks will admit of

I am My Lords Your Lord.ps most obed.t humble Servant

John Bowdler

Rec.d 11 June }
Read 13 . } 1728

B.P.R.O. South Carolina B.T. Vol 3

C.26

9 Sept 1728

Sir

I having under the direction of the Earl of Westmoreland been instrumental in bringing about the Crown's purchase of the Carolina's hope the liberty I take will not be looked upon Impertinent

I have accounts from good hands that the Agents for the Penn family have quarrelled with the Palatins and have refused to let those persecuted people to have any more land in Pensilvania You without doubt must know that great numbers of Palatin's have for many years gone to Pensilvania so that they have raised the Price of Land from £65 the 1000 acres to £700 The Accident I mentioned puts a stop to that Nation going to that Colony The next year a great Number of the better sort of Inhabitants must be forced to quit the Palatinat upon account of their Religion If proper Encourag.t was now given for a few familys to go and settle in South Carolina so that they might acquaint their countrymen with the goodness of that Province South Carolina might be quickly peopled with honest planters. and that vast Tract of uncultivated land to the Southward be let out at a better Quit Rent than has hitherto been paid either in Virginia or Carolina. For the Rivers to the Southward are very navigable and the Land perfectly sound and good and not fenny as about Charles Town and to the Northward. and the Timber is the largest in all North America

I

I am well informed that in these last eleven years there has gone to Pensilvania more than 17000 Palatins and the poorest Master of a Family has by the fairest Computation taken with him besides paying the passage £50 sterling, and many of them more than £600 and they always go well provided with arms I am

Sir

Your most obedient, and most humble Servt.

Tho: Lowndes

Recd. } 10 Sept. 1728
Read }

B. P. R. O. A & W. I. Vol. 18. p. 167.

Charles Town So. Carolina 13th June 1728.

May it please your Grace

I am sorry we are Obliged soe often to Represent to the Government the difficulty we labour under, from the neare scituation of St. Augustine to this place, Who without any regard to Peace or Warr doe continually annoy our Southern Frontiers The Hostilitys they commit upon us may be rather termed Robberys Murders and Pyracys, they acting the part of Banditts, more then souldiers, theire cheife aim being to Murder and Plunder.

Wee formerly complained of their receiving and harbouring all our Runaway Negroes, but since that, They have found out a New way of sending our own slaves against us, to Rob and Plunder us; — They are continually fitting out Partys of Indians from St. Augustine to Murder our White People, Rob our Plantations and carry off our Slaves, soe that We are not only at a vast expence in Guarding our Southern Frontiers, but the Inhabitants are continually Allarmed, and have noe leizure to looke after theire Crops.

The Indians they send against us Are sent out

out in small Partys headed by two three or more Spaniards & sometimes joined wth Negroes, and all the Mischiefe they doe, is on a sudden & by surprize; And the Moment they have done it, They retire againe to St Augustine, and then fit out againe, Soe that our Plantations (being all scattering) before any men can be got together, The Robbers are fled, and nobody can tell how soone it may be, Or where they intend to make theire next Attempt: This Trade they have followed these Twenty Years and is a very greate discouragement to the Settlers of our Southern Frontiers to be always Obliged to hold the Plough in one hand and the sword in the other. —

I shall not now repeat the Representatives formerly made on this score, but Confine myself to what has happened of late;

In August 1726, the Governour of Augustine fitted out a small party of Cussuba Indians from thence, Who came upon Frenches Island (within Ten Miles of Port Royal) and Murderd and Plundered one Richard Lawson and his Wife.

In September 1726, They fitted out a small Party of Yamasee Indians, abt seven in number, Who enter-ing the House of Mr John Edwards on Combahee River (within

(within six miles of Port Royal) and haveing murdered him, they took away all his household Goods and four Negroes and Carryed them to Augustine, Where they were seen by several of our People, who were afterwards carryed there Prisoners themselves.

In June last, The Governor of Augustine, fitted out a Party of Indians, Who comeing into the settlem^ts on the back of Port Royall, They first Murderd, and then Plunder'd, one William Lavy and John Sparkes sparing the Lives of their Wives, but told them there was a large Party both of Indians and Spaniards fitting out from St. Augustine Who had received Orders from the Governour to spare nobody.

On the 23rd or 24th of July last One Capt. Smallwood as he was going up to his Tradeing House at the Ford at Alatamaha neare his Majesty's Garrison in his Perriangua with four others namely John Annesley, Charles Smith, Albert and John Hutchinson Were sett upon by thirty four Indians that came from Augustine, Twenty six whereof were Yamasees. who have sheltered under that Castle for severall yeares past, & murdered and Scalped all the five persons abovementioned, and then robbed them of all they had on board to the value of three hundred pounds; After this they broke open

open the store and tooke from thence three thousand Deer skins besides Indian Tradeing Goods. At the same time they took three others Prisoners one of John Gray and William Gray and one Beans & Carryed them to St Augustine Where they were all imprisoned by the Governour for several Months; The Governour of St Augustine received these Indians with a great deale of Pleasure and satisfaction, and paid them for the scalps of those they had Murthered. That whilst the Grays remained prisoners at St Augustine the Governour fitted out to the number of about Forty eight Indians more, headed by two Spaniards, The Indians informed the said Grays that their Orders were to Kill and destroy all the White persons they could and take what Negroes they could, That the Governour of Augustine had promised em thirty peeces of Eight ℘ head for every white mans scalp & one hundred peeces of Eight for every live Negro they should bring. These were supposed to be the Party of Indians that soone after Murthered one Henry Mushoe and Hezekiah Wood within the body of the Settlement of this Province, and carryed off Ten slaves; At the same time the Indians set upon Mushoe & Wood, the Indians (out of respect to Wood) would have saved his

Life

Life, but a Spaniard tooke up a Billet of wood and knocked out his Brains. These were pursued by a Party of Fifteen of our Men, under the command of Capt John Bull who retooke all the said Negros and Plunder Killed Six Indians and one Spaniard they found the next day & Wounded many more of the Indians, Who dyed in their return, soe that but few of them arrived at St Augustine, and we lost one man in the Engagement; the Governour of Augustine seemed extremely troubled at this Repulse made by Capt Bull and to prevent the Yamasees from being discouraged He sent up to the Creeks to Joyne 'em and make another attempt.

On the 26th of September last the Governour of Augustine fitted out two Perriangua's Manned with Six of our Runaway Slaves and the rest Indians who came upon French's Island and set upon the house of one Alexander Dawson, where they killed & carryed away Four Children and Four Men & Women. The Indians would have murthered them all for the sake of their Scalps, but this time the Negroes would not agree to it, And the Spaniards themselves told Dawson, When he, together with some of the rest, were carryed Prisoners into St Augustine That the Governour had agreed with the Indians to give them Thirty Peices of Eight

Eight for each White mans scalp and a hundred peices of Eight for each Negroe.

It seems The Governour of Augustine Makes Merchandize of all our slaves, and ships them off to the Havanah for his own Profit, as we are told by the Spaniards themselves at Augustine.

In January last was Twelve Month, They also surprized One of the Souldiers of his Majesty's Garrison at Alatamaha & Carryed him Prisoner to Augustine.

About the 15th of July last A Spanish Capt. with five Souldiers came up to our Creeks and made Presents to the Indians, and persuaded them to Tye all our Indians Traders and Packhorse Men and carry them to St. Augustine but the Indians refused.

About the 20th of October last the Governour of St. Augustine fitted out a Schooner Manned with Spaniards and our own runaway Slaves to steal other Slaves, and Rob our Plantations along the Coast, Who entring North Edistoe River surprized the Plantation of one David Ferguson, Plundered it, & carryed away seven Slaves, When this was complained of to the Governour of St. Augustine, He pretended they were Pirates and had not Authority for it, When at the same time

He

We had several Prisoners at Augustine who saw the said Schooner fitted out by the Governour's Orders.

By reason of these continual Depredations and Robberys comitted on the Southern Frontiers, the Inhabitants are continually Allarmed, and the Companyes forced to be put under arms almost perpetually theire Plantations run to Wreck, and the People (tired out wth Fatigue) were all about to Desert the most valuable part of the Country, At the same time Our Merchant Men were daily taken off our Harbours, by Vessels fitted out from the Havanah; upon these Emergencys I called the Assembly together the 27th of August last And upon Mature Advice with my Council, We agreed to form a Party of a hundred White Men and about a hundred Indians to goe and Cut off these Yamasees who thus annoyed our Southern Frontiers, and sent them under the Comand of Coll. John Palmer.

Coll. Palmer on his March was informed that they had sheltered themselves in an Indian Towne neare the Castle of St. Augustine, Coll. Palmer by secret marches in the night arrived undiscovered on the ninth of March last. He fell upon the Indians at breake of day, and killed about thirty, & tooke about fourteen

Prisoners

Prisoners & wounded several more, but offered no Injury to the Spaniards, altho' it was in theire Power to have cut off theire whole Town (lying without theire Garrison) For I had given express Order's Not to Molest any of the Spaniards, but we think it an extreem hardship That the Spaniards should daily head the Indians and our hands be tyed up. I earnestly entreat your Grace That we may have some special Instructions on this behalfe.

Our Party set fire to the Indian Towne, and Plundered an Indian Church and tho' we offered noe Injury to the Spaniards, they fired all theire Cannon on our men from theire Castle walls for three days successively.

There was another Expedition intended to be formed of three hundred men to be sent against the lower creek Indians who were too buisy in Joyning the Yamasees in some of these Incursions But the Creeks being brought to reason, by our Agent sent amongst them That Expedition fell to the ground, Which saved several Thousand Pounds expence.

Much about the same time I was obliged to fit out a Sloope under the Comand of Capt. Thomas Mountjoy Mann'd with Ninety men to protect Our Coast from the Spaniards Who tooke our Vessells off our Harbour daily,

Indeed

Indeed I could not tell but they were Spanish Pirates at first, for I was not under any apprehensions of a Warr between the two Crowns at that time. Inclosed I send your Grace a Copy of the Commission & Instructions I gave to the Comander.

All these matters were carryed on by the Unanimous Consent of his Majestyes Council and the Lower House of assembly and agreeable to his Majestys Ninety Fifth Instruction (which gives power to declare Warr against an Indian enemy) But when the moneys come to be raised, The Assembly according to theire Wonted Custom, Would agree to raise no Moneys, but what should come out of the Bills which by Law and His Majtys Instructions were to be Burnt or sunke, soe that I was under this fatall Dilemma of letting the People be destroyed on the one side by the Spaniards & Indians and our Trade cut off by the Spaniards, Unless I did Consent to Make use of these Bills for these purposes. Wherefore I hope your Grace will hold me excused for Consenting to a thing sore against my Inclination and which I could not possibly avoid.

Inclosed I send your Grace An attested Copy of the Resolve of the Lower House Wherein they declare That they would do it in noe other manner whatever, then

them out of the fund for sinking these Bills. — However I took care to continue the sinking Fund by the same Expedition Law, as soone as these Charges were defrayed, and which are now at an end;

Since the Spaniards have been soe unjust as to misrepresent theire Affaires by theire Expresses to the Havanah That they are besieged by the English with several thousand Men, I am apprehensive They will make some use of it at home, But I assure your Grace there were noe more then One hundred White men and One hundred Indians, As will appear by the Muster Rolls, And that we offered no Hostility to the Spaniards, tho' it was in our Power to have done what we pleased, and tho at the same time in our sight, They threw thirty men into an Indian Fort to prevent our Attacking it.

We beg therefore Yo^r. Grace will obtaine Peremptory Orders from the Court of Spaine to their Govr. at S^t. Augustine to cease these Hostilityes, And in case they Continue em, Wee may leave from his Majesty to doe ourselves Justice for If our hands be soe strictly tyed up. This Country will be inevitably lost to the Crown of Great Britain

I am
may it please your Grace
your Graces most Obedient
and very humble Servant
Ar: Middleton.

B.P.R.O. A & W.I. Vol. 18. p. 171.

* (No 2.) Enclosures to Letter from President of the Councill of South Carolina, of June 13th 1728.

Sr September the 13th 1727.

I have heard of some Disturbance amongst the Lower Creeks, which caused me to come to the Oakfuskeys to hear the certainty they being your friends as well as mine We hear that there hath been some Whitemen cut off by the Yamasees & lower Creek people but they do not belong to us, they are at a great distance from this place, and as it were another People, but you may depend upon the Abeccos and Tallapooses to stand to their words in being true to your Goverment in Peace or Warr. I have been used to be among the English from my Youth. I am sensible of the benefit of your Trade, and I am not unacquainted with the want of the same. You may depend that the Tallapooses & I with my People will stand by you, let the lower People do what they will, for we will not have anything to say to the Spaniards offers, neither to the Lower People to damage your Trade, but suppose they should have great bags full, it will be of no use for it will not keep their Wives and Children warm in a cold night, but we will stand by you and your Traders, for it is

* No 1. being an "Act for carrying on several Expeditions against "our Indian and other Enemies and for defraying the Charges thereof." has not been copied.

is not long since we dearly knew the want of them; as for the lower People we hear that some of them was with the enemy that destroy'd the Fork Trading House, they belong to Chigilly, but after I have made better enquiry, if I find that any of my People or the Tallapooses was concerned you shall have full satisfaction of them.

I am sorry that there shou'd a been any English Men killed, I would die myself rather than an English-man shou'd be killed amongst my People, or in any of these upper Towns. As for the lower Creeks as yet I do not know what they intend to do, but as for our parts we are resolved to stand by the English and not give any Ear to the Spaniards, or them either. I am far from home I am in the Oakfuskey King's House with him & his head Men who will inform me of all matters that may happen & I shall endeavour to prevent any mischief that may be in agitation.

St to my Death I will remain a friend to the English-Government and Subscribe myself the Govern^t and your friend, I desire you will let the Governm^t know of this our Resolution

Obyhatchey King of the Abecoes
Oakfuskey King

another

another King of the Oakfuskeys

Effamecco Capt. of the Okefuskeys

your friend the abecco Captain is like to dye I believe he will hardly recover.

For Majr. David Durham Commander in Chief at Fort Moore. John Herbert.

Honord. Sr.

I have delivered your Instructions to the long Warrior and the rest of the head Men as you will see by the inclosed, as also his Answer, and you will see that he says they shall go home again, but I shall do my utmost endeavour to put a stop to that & shall follow yours from time to time to the utmost of my endeavours, I can't help informing you of the great distraction there is like to be in this Nation occasioned by some of the Traders trusting the Indians to such a degree as they do to the value of 16 or 18 hundred skins, others that will not do the like must bear the insults of some impudent fellows, So hope you will take some speedy Measures to put a stop to it. I hope your Honour will pardon my shallow stile of writing and short Epistle by reason my sight is very weak & the Interim I am Sr.

Your

October 7th 1727. Your Most humble & most Obedt. Servt.
To the honble. Arthur Middleton Esqr. E. Wigan
Govr. & Commander in Chief
of his Majs. Forces in South Carolina
For his Majs. Especial Service

The Tunisee Warriours Answer to the Governours Talk at a Meeting of the Head men at Tannisse October 2d 1727.

That it is but one Town of the Nontuyeas, that hath been here, and eat Victuals with me, I have sent six of my People back wth. them, they have promised to come back in the Spring and to bring some of the Tuwal tuwals and Nettawayes with them to whom they say they have already sent, which if they do perform, my People will think good of it, if they do not, I shall ask them what, is it only you that designs to come backwards and forwards to us here, when the rest of the friends are constantly doing us mischief, you shall come to no harm now but go home again. If they do come and bring those People according to their Promise, and make all straight, I shall tell them that they are Red People and that I am Red; and it is only with them that I talk and eat with, as for the White People

People where they live I have nothing to say to them & they never shall come here. As for Chigilley, what the Governour says about him is very true, if he has a mind to continue a Rogue let him but Kill one man; my People will be soon upon him. As for the Pipe that is come back. If the Nontuyeas come in the Spring I shall return it to them.

Eliaz Wigan.

October 3d 1727 The Warriours of Tugole sent me a message to inform me that one of their People was come from Savana Town and brought them news that the Coweterus had killed three White men and some that had made their escape was got to Savana Town & brought the news there that some of the Southward are about their Towns, and expect some of their People to be kill'd by them every Day.

My answer to the Warriours is that it is no more than what I thought that they was always Rogues to the White People and us and ever will be, but if they Kill one man to go Directly to Warr against them. As for their Killing the whole people, there never shall be any hurt in this Nation while I am alive and I shall be ready to assist the Government against the Cowetaws when ever they require it Eliaz Wigan

Thursday

Thursday October the 19th 1727.

Sr. Fort Prince George.

There came five Indians the last night and saith that a Monday last at Howgethi They saw Indian tracks and two of them followed the Tracks to the River where they saw their Camp and the number upon a Tree of 35 Men and Lads, they have crossed the River to this side, I suppose they are going down to the settlements, they say they are Yamasees, as I do believe they are, so no more but I remain Your humble Servant

Philemon Parmenter.

I asked why they did not follow them, their answer was they had no Powder, and they were afraid, the other being the greater Party

To Coll: John Beamer Port Royal

Fort Moore Savana Town October the 26th 1727.

May it please Yr. Honour.

I arrived here in Company with Coll: Glover the 25th Instant where I found a Letter Directed to your honour from Mr. Wigan at the Cherokees, and thinking that it would be necessary for me to know the contents of it, I have therefore Presumed to open it, but do not find anything in it of any great Moment. I have closed the said Letter again & herewith send it to your honour and shall

particularly

particularly take care of that part wch relates to the Traders trusting the (Indians.)

I find there can be no Expectation of the Chickesaws joining Col. Palmer they being all out hunting about 60 Miles from hence & being so much indebted to the Stores here, I believe it impossible to get them back. You'l herewth receive the talk I had with the head Warriour who did not go out with the rest of them, by which you will perceive that 'twill be impossible to get them.

I intend in two Days from the Date of this I set forward on my Journey to the Cherokees and shall take pticular care in obeying such instructions as you have committed to my Charge. I am

Your honr Most obedient
humble Servt John Herbert.

P.S. I herewith send your honr a Copy of a Letter which Majr Durham Communicated to me from Oboyhatchy & other head men of the Upper Creeks.

For His Majs Service. John Herbert

To the Honble Arthur Middleton Esqr
President & Commander in Chief
in and over His Maj. Province of South Carolina

Fort

75

Fort Moore October the 26th 1727.

May it please your honour

This comes to let you know that I came to this place yesterday and that I had the misfortune to loose one of my Men at the Rosemary Branches who went out on Sunday last a Horse hunting and have not heard any thing of him since. here is some of the Creek Traders come down from the Tallapooses and brought a Letter from the King of that place to Majr. Durham. a Copy of which Colo. Herbert has sent your honr. with all the news we have here. Thos. Jones doth not go back as he promised your honour, so that I shall be balk'd of the deisgn intended by him, but shall do the best I can without him I shall take leave to remain your honours

Most Dutifull humble

Servt. Charlesworth Glover

To

The honble Arthur Middleton Esqr.
President & Commander in Chief
in and over his Majs. Province of South Carolina. ℘ James Welch.

Salk

Talk with Cheeoby Head Warr Captain of the Chickesaws at Savanno Town on Thursday the 26th Day of October 1727.

Q. Where are the rest of your People?

A. They are all out a hunting at Hogeechy.

Q. How came they to go out a hunting when they had promised our Govr. to go to Warr against the Yamasees?

A. That they waited a good while and not hearing from him they all went out to hunt.

Q. Do you think that they'l return back, if you send to them?

A. That they were so much indebted to ye Store Keepers here that they could not return till they were able to pay their Debts.

Q. Do you think ye English can believe you when you serve them after this manner, especially when they have provided white Men to go to warr with you & sent a Man on purpose to let you know of it, that you might go down & join them?

A. That he was not down when they promised the English Govr. to go to War agst the Yamasees and that they did not expect Welch would be the Messenger to them.

Q. Who did you expect would be the Messenger?

A. That they expected Colo Hastings would have been the

the Messenger to them.

Q. If Col. Hastings had come to you, I can't see that you wou'd have gone down; your people being all out a hunting. If you do not send for them to go down with Welch I shall be obliged to let the English Gov.r know that they are not so good as their Promise, and that I believe they have a mind to throw away his talk.

A. I will go and see if I can get anybody to send to them. — & that if I don't return by Noon you may Expect that nobody is gone to them.

John Herbert.

Okefuskeys Saturday the 23.d December 1727. Last Thursday being the 21. I dispatched John Read & George Cornell, two of my Men with a letter to his Honour the President and Journal containing the whole of my Negotiations here to that Day. — I set out this Day for the Okechays and there continued till Tuesday the 26.th Instant in which time I had a great Deal of discourse with the Little Captain about fitting out an Army against the Enemy, we concluded upon appointing a meeting of the head Men and Warriours of the whole upper Nation To be at this Town the 13.th

January

January & then return'd to this place.

Thursday the 28th set out for the Tookebatchey, where arr't the 29th and was there informed by ye white men that John Keneday a Trader had play'd away the best part of his Cargo at Cards.

in. Saturday the 29th I sent a man to Tusahatchees to enquire into the truth of Kenedays affair, the same Day Tho. Wigan came to the Tookebatchees and informed me that said Keneday had deserted to the French Fort, last Wednesday, upon which I gave the following Orders relating to the Goods & effects which he left behind.

Whereas I am informed that John Keneday hath deserted to the French and hath left part of his effects at his Trading House in the Tusatches, and am further informed that the said Keneday had the said Goods of Mr Eveleigh and has not yet paid for them. These are therefore to order you David Dolley to enquire into and search the said Trading House of John Keneday and take an acct of what he hath left behind, and to deliver the said Goods to Thos Wigan, and to take his receipt for what you Deliver him & in what order the said Goods are, and in so doing this shall be your Warrant. Given under

under my hand and seal at Tookobatchee the 1 January 1727. C. Gl.

To David Dolley at the Tusatchee.

You are hereby further Ordered to load the four Horses you have of John Keneday down to Edistoe with Thos Wigans skins and he is to pay you twenty pounds on acct of your Wages when you have delivered their Lading at Edistoe then inform Mr Eveleigh of the said four Horses as also of Kenedays Stray Horses. You must keep the four Horses you have now till they are taken out of your hands by Authority which is your Order from me.

Whereas I am informed that John Keneday hath deserted to the French and that some time before he deserted he play'd away three Prs of Strouds one white Blanket and one pr of Caddis with John Ladson one of Thos Wiggan's men and that the said Keneday had the said Goods of Mr Saml Eveleigh and had not yet paid for them.

These are therefore to order and require you Thomas Wigan to take or seize the said Goods where you can find them & them to keep in your hands till it's known who has the Property of them, and in so doing this shall be your sufficient Warrant. Given under my

my hand and seal at Tookebatchees the 1st January Anno Dom. 1727. (Seal.) To Mr. Nigan.

Monday the 1st Jan. 1727 Returned to the Okefuskeys and arrived the next day.

Monday the 8th the Okechay Captain came to this Town, and having consulted the one handed King the Red Coat King &c of this Town about their meeting next Saturday They sent to speak with me and being come the Okechay Capt. told me that they had been endeavouring all they could to get their Head Men in from their hunts, but found 'twas impossible for them to do it by the time appointed and therefore desired that I should bear it with Patience and allow them more days for their Meeting. Whereupon We concluded to prorogue the meeting to the 17th February at which time they assured me they should all meet & knew they would be all willing to take my King's talk.

Thursday the 11th January I was informed by an Indian from the Lower Creeks that they were divided among themselves. That the Cowetaws and Pallachocolas had Declared for the Spaniards & the rest for us, That they were Quarreling about their performing what they Promised me.

Saturday the 13th January. This Day Writ a Letter to

to the President to which I referr. And to Major David Durham at Fort Moore as follows.

Sr. I send this by Joseph Cabballow whom I sent to bring the amunition on the horses I ordered from my Cow pen, I hope you'll Dispatch him by the first that comes, and send the overplus of what my horses don't bring, by the Traders horses.

Mr. Wood's man will bring 50 lb of it if he gets Horses left at Savana Town if not he will bring 25 lb. I have nothing strange since my last only John Kenedy is run away to the French, but Phaps you'll not think that very strange. so shall conclude.

Yors. &c C. G.

Munday the 15th January I gave John Mussgrove two Commissions one for himself and one for the Tookasa King with Necessary Instructions for his going against our Enemies with thirty or 40 Men under the Command of himself & the Tookasa King they are to sett out next week.

Tuesday 16. Last night arrived here the Cowettaw long Warrior & Tom Slohi from the Lower Creeks and Delivered me the underwritten Copy of a Letter directed to Capt. William Grey, I opened and found the contents as followeth.

October the 22d 1727 Honour'd Father. For these few lines comes to acquaint you that we are both alive blessed be God for it & have been two months and a half in Augustine & we wonder'd why we had no relief & now we are to be sent to Lavercruse and the Lord of Heaven knows when we shall return. But I desire that you wou'd send for Mr. Dawson & them that were taken from Hilten Head. I have no more to add at Present but I remain

Your Dutifull son till Death

William Grey and brother & Remember our kind love to Mother & my sisters & Benjamin.

It was Yamasees that took us and three of the Creeks with them Yamasee Jitchee is one of their names Euphaly King.

The same day after Drinking Cussina with the above mentioned two Warriours of the Lower Creeks and with several head Men of this Town adjourned to my lodgings, and being all seated I spoke to the long Warrior and Tom Stoki by my Ling[t] as followes

Glover. I am now ready to hear what you have to say & desire that youll say but little at a time that I may write it down.

Long Warrior) (Having made a short speech to the Indians Preat but

but of no great Moment spoke as follows or to that effect)
Before I heard your talk I knew nothing of the Damage that was done and could not tell the meaning of the white peoples leaving our Town and coming up here. When I heard your talk I found what disturbed your King at home, and that he had sent you out to put things to rights. We have People amongst us that are wild and mad, who have occasioned us this trouble. When I was with you before the days were numbered, but we could not do anything within the time. I am now come to tell you how it is. I went according to my promise and spoilt some body (here I asked him how it was he spoilt? he answered the same you bid me, I have more to tell you, then I told him to proceed) When I went home all the Towns met several times to hear the talk I carried from you, & the Cowetaw Town used formerly to take your talk very well and never transgressed & sent me up now to see how to make it straight and see what's further to be done (and so made a stop)

Glo. Go on if you have any more to say.

I. Ware My People sent me up to see how matters stood among the white people, we are in a poor condition and

and are looking every way who shall be the first that will fall on us.

Glo. Speak your mind freely for you are now among friends.

L. Warr. There are a great many little Towns on the other River who thought fitt to choose me for this business, I told them there was many wiser Men than myself among them, but since they left it to me, I accepted of it (having made a stop again I bid go on) We have had white people come amongst us from several Parts, and we think it was for the good of our Women and Children, But now we find it is a great affront, I thought this Land had been our own. We are poor and low and don't know what to think of it, and so I have now told you all my talk (he afterwards added) The ground is long and you have got four Legs if you have any Messages to send, I have got but two legs, and must take a longer time, but am like a Man in love with a Young Wife, and can't forbear coming to see you. My Mouth is all gone

Glo. The reason for calling our People out of your Towns I have already told you, and believe you have not forgot it, You tell me You spoilt somebody, who was it you spoilt.?

L. Warr

L. Warr. The Head Warrior.

Glo. Why did not you bring him?

L. Warr. You'l see it, we left it with Alachee at the Tooke-batchees.

Glo. But how shall I know that it is his, It may be some Tookebuzzow Scalp.

L. Warr. I am not used to tell you lies.

Glo. Your People has told me a great many and very often deceiv'd us.

L. Warr. I can't tell what others have done formerly but what I tell you now is true.

Glo. You should have brought me the man or his Head and then I cou'd believe it.

L. Warr. Won't you believe my word?

Glo. I'l take your word this time, & if it is a lye I can soon find it out: You know how Chigilee has deceived us, and yr. People never told us the truth but once and that was when they fell upon the Yamasees, and then they made a Peace in less than two Months without letting my King know anything of it. You know this to be true.

L. Warr. I know it. I sent and waited for this man a long time but could not catch him till at last

last they were forc'd to shoot him, if you won't believe it you may send one of your people and fetch it its Green and not yet Dry'd.

Glo. The Cowetaws and Pallachokola Towns are the cause of all the difference between my King and you, and you may thank yourselves for all this mischief that is brought upon you. You two that are here now have both of you Comissions from my King, and I have nothing to say agt either of you. But that you should not have suffer'd your People to run up and down doing us mischief. Don't think I am cross with you, tho' I talk earnestly to you, my heart is straight towd you If you'l do my King Justice.

L.W. I have checkt my People and they go out of my sight & I cannot find them.

Glo. If you will punish one or two of your Rogues when you find them as we do It wou'd make all ye rest good and afraid to do so mind what I say.

L.W. I have told them to be good so long till I am weary.

Glo. You say your People Pitcht upon you to make up the matter, I am glad of it and hope they'l

do

do as you bid them, since you have y^t power you ought to make them do it, I know you can if you will. You say that the Land is yours, and that you thought you might receive whom you pleased upon it, I have nothing to say against that, but then I hope you'l give us leave to go off yor Land when you suffer our People to be illtreated by those that come upon y^r Land. You say again that you love the English as a Man doth a young Wife. I am sure there is a great many of ye Towns that loves ye Spaniards as well, and in short you must break off from the Spaniards or otherwise the English will not come any more into your Towns for they and wee can never agree together. I shall send this Talk to my King tomorrow and tell him (as you say) that you have kill'd this Man.

L. W. If you'l send some of your People to Allachee you may have the Scalp.

Glo. I thought you wou'd have brought it; the Letter you brought me is from the two Greys at Augustine and tells me that three of your People with some of the Yamasees took them and carried them to the Sp^ds and that ye Sp^ds are going

going to send them over the great Water. Now do you think that my King can like to be so served, or that he can bear it.

L. W. I believe not.

Glo. Then you may depend my King Expects you'l bring the Ten Yamasees, Stop the Spanish Path, and Bring in Cherokee Litchee as you promised to do, and you must not think that he'l be put off with Scalps, tho' I'l take this for one the rest you must bring in alive My King knows that some of your People with the Yamasees Killed Mr Smallwood and the People with him, and by that they have brought their blood upon your Towns, which can never be wip'd off but by the blood of some of my King's Enemys. If there was not some good People among you, he wou'd never have sent me to talk to you, and for the sake of those that are good he is willing to make it easy to you by taking so many Yamasees in Lieu of them that did the Mischief: and although you and several others among you never hurt an Englishman, yet there is some among you that have, & its your business to find them out, or the blood they have spilt falls on all your

Heads

Heads as the Rain falls on the good and bad.

L.W. For anything I can see I find this business is just as it was tho' I have been endeavouring to make it straight & have made a beginning. Now the rest of the Rogues are gone to the Stone Fort since they heard of it and cannot be come at.

Glo. I can't help that, My orders is till you have comply'd not to let any of my Kings People come amo'g you, You shou'd have done it at once but the Cowettaws sent them word of it.

L.W. I don't Know.

Glo. But I know they did, and I wish you wou'd do something in it that I may go home, Do you think this one Man will satisfy my King for Eight which he hath lost?

L.W. There's a great many of our people who are innocent that are down among the Spaniards, and if I shoud go to do anything they would fall upon them, and till I have got them away I can do nothing.

Glo. I don't expect you can, but it's now 36 Days you have had to get your People away, You may let some of your People be there for ever and make that an Excuse.

L.W.

L. W. Brims bid me ask you what harm it did to receive Spaniards, French or any white People, he cou'd see no harm in it. The French Govrs Son hath searched about the Mouth of our River at St Malaga and went back again he should be glad to know of you the Reason of it to have your advice about it.

Glo. I have nothing to say about the French but only do tell you they'l have all yr Land in time and make you slaves and your Children will see it and say that I spoke true. What the French want of you is only to buy yr skins. In answer to Brims what harm the Spaniards did us by coming to their Town. They carrying our People down to Augustine and there peruades them to go and steal our slaves, Knock our People on the Head and give them Ps 8/8 for so doing. So that while he suffers the Spaniards to come into his Towns we have no business there.

L. Wa. I hear your talk and take it well, but can't keep what the Spaniards do to you.

Glo. My King don't blame you for what the Spaniards do, but for joining the Yamasee and Spaniards agst his People. I know very well that the Yam-asees would have come into a Peace wth us long ago

ago but for ye People who kept them out on purpose that they might have an oppertunity to join them for the sake of what the plundered from us, tho' we never could prove it upon you till the business at the Forks, you can't say that we killed or hurt any of ye people since the last Warr, Neither can you say that we ever set you ag^st the Spaniards tho' you know they have often set you ag^st us.

L. W. Made no answer.

Glo. I tell you again that unless you bring me ten Yamasees and pform the rest of what you promised My King never will be friends with you. You tell me you have killed one of the Murderers which I am glad of, I shall hear no more about that.

L. W. Your talk is very good but I am but one Man and can't say Amen to it.

Glo. As I have already told you I now tell you again, unless you pform what you have promised I am the last Man my King will ever send to talk with you, he will throw you off and will have nothing to say to you. Notwithstanding it is my King's Desire to be

friends

friends with you if your People will but do him Justice. Its a wet Day and you had best stay till tomorrow Morning and then I'l send a Man with you to the Tookabatshes for the Scalp

L. W. Our time is short & we must go all weathers, Our People are all met together and are impatient till we return to them again.

Head Warr King} whose scalp have you brought?
Okefuskeys

L. W. One of your own Family the same as they say That called the Perriaso over the River

Lieut of Okefuskeys. Its false, you did not kill him for he was killed by four of our People Vizt - One of the Tallisees one of the Tookebatches, One of the Euphalys and one of the Chickesaws.

L. W. We sent them to do it.

Glo. Who sent them four out to kill him?

Lieut. The Lower Creeks.

Glo. to Head War King. Tho' the Man was one of your Family he was wild and mad so that you ought not to take any Notice of his being killed for he Deserved it. Its the same thing as if he killed himself for he brought it upon himself by going and killing of us.

Glo.

Glo. to L.War. When shall I hear from you again?

L.W. I can't tell, I am loath to make any promise for fear of dissapointing you.

Glo. When you have any News worth sending I desire you'l let me know it, My King hath given you a Commission and I am glad it is to so good a Man I hope you won't prove like Chigilee, who was never good for anything but to tell lyes.

L.W. It's very well I heard your talk but can't set any time, but since you seem to like me I will let you know what I am doing.

Glo. I have no other reason then to do so for I never heard any of our people but what spoke well of you, and as a token of my friendship towards you tho' I have but one bottle of Rum, you shall drink of it before you go, and you need not doubt (upon y^r. performing the articles agreed on betwixt you and me) but you may see rum and all other English Goods in as great Plenty among you as they have been in time past. So farewell

The above is a Continuance of my Journal

Okefuskeys January the 19th. Charlesworth Glover.

1727/8.

May

May it please your honour

With this your honour hath a continuance of my journal to this Day & will receive with it a Letter I sent by Wm Williams which gives your honr all acct of affairs here. I hear Hobayhatchee is come in from hunting. I shall set away from this Town tomorrow for the abecas to see him. The Indians begins to Drop in from their hunts so I am in hopes of getting them together the 7th of February as we appointed.

The Lower Creeks are afraid we are going to set these People on them, I have got the scalp of the Gangleader that lead the Yamasees from Augustine when they killd Mr Smallwood as they tell me which is all at present from,

Your Honrs most Dutyfull and Obt. Servt.
Charlesworth Glover

P.S. I hope your honr will excuse the writing. The weather is so very cold that the Ink freezes in the pen and the light wood fire soils the paper.

May it please your honour,

Since my last I have heard from the Lower Creeks by an Indian that they are Divided among themselves

98

themselves, the Cowettaws and Pallachoolas stands for the Spaniards Interest the rest for us so that by that Division among themselves they are likely not to do what they promised me, and what to think of them I don't know, they are Prodigious afraid of us, and the Cherokees, I am informed by an Indian that he heard Chigilee promise the Spanish Captain that he never wou'd make Peace with the Cherokees.

I cou'd wish the Cherokees wou'd give them a blow, it wou'd be in a good time now they are out of Powder and bullets.

Those Upper People are hearty for our Interest and what of the head Men I have seen yet hath promised me their Interest agst. our Enemies. The 7 of Febry is the Day they are to meet about our business. The Head men that are at home hath been endeavouring to get their People in from their hunts but can't so have ordered the Meeting the Seventh of February by which time they will be all in, and I expect a return of the Express I sent your honour.

I beg your honr. give me leave if I should think it proper after I have had the Meeting with those people for me to come down If I can't get

get their people out agt our Enemys, it will be to no purpose for me to stay any longer. If I can get them out I may come down and return before them if need wou'd require it. I believe I shall get Mussgrove and a Party away before the Meeting just to break the way he and the Tuskesay King hath got a Gang of thirty Men already and wants to be gone who I intend to send directly.

I hope your honrs will give orders about the Powder and Bullets at Savana Town

I am informed that the two Grays are well at Augustine and has sent a Letter to the Lower Creeks by an Indian to be given to any white man

John Keneday one of the Traders here is deserted to the French and hath carried away and embezzled most of his Cargo before he went, what is left I have secured for the owner (who I am informed is Mr Eveleigh) which is all at present from

your honours Most Dutiful humble Servt

January the 13th 1727/8 Okefuskey. Charlesworth Glover.

Continuation of my Journal.

Saturday the 20th January 1727/8, I set out for the Abicaus where I arrived Munday the 22d having stay'd all

Sunday

Sunday at the Hillabees.

Munday the 22^d I came to the Senhungees.

Wednesday the 24th Left that Town and went to the Aubukutshees about a Mile from that town I met a Sentinel sent by Hobohadgoe to acquaint me that he was ready to receive myself and Men after the handsomest manner he could. before we made our entry into the Town we saluted them with a dis-charge of Our Guns and Pistolls which they return-ed with a Triple Discharge of their Mens Arms Drum beating. Colours flying all the while. Having alighted of our Horses, Hobahatchee with a number of his Men. His head Men, Warriours &c Conducted me to the Round house where I drank Black drink, and from thence to Hobahatchee's House where was a very Sumptuous Entertainment and three hogs three baskets of bread &c. which he told me was for me & my People & might Dress the same as I thought fit. After dinner I met them in the Square according to appointment and gave them the following talk.

Glover. I am come from my King to tell you he is glad the pains he hath taken in making the Peace between you and the Cherokees hath had so good effect that none of your People hath been

been killed by them & that you can go a hunting where you please without fear, but to my Kings great surprize notwithstanding the pains he hath taken in keeping a friendship with you You have joined the Yamasees and lower Creeks with some of your people and has murthered some of my King's People and you have not pformed your Promise you made to my King when you was in Charles-Town, I am now come to know your reason for it And to tell you my King did not think that of all Indians living Hobohatchee would have served him so, But now your turn is Serv'd you value not your great friend my King who has served you. My King has sent me to see whether you have thrown away his friendship and don't want to be friends with him any longer & to see if you have forgot all former Kindnesses.

Hobohatchee. I think as much of it as yor. King doth, but the lower People are midway between us and the Spaniards and they are the occasion of all this misunderstanding.

Glo. You promised my King that if Chigilee did not bring in the Yamasees you'd let him know it, what's the reason you did not.

Hobo.

Hobo. I own I am in fault to leave it to Chigilee, who promised to send me word whether they would come in or not which he did not do.

Glo. You shou'd have acquainted my King with it, but instead of that several of the Lower Creeks and one of yr. People joined the Yamasees and helped to Murther Mr. Smallwood.

Hobo. We know they did.

Glo. The Man that belong'd to yr. Towns gave out the talk and lead the rest out

Hobo. What you say is true, but Chigilee hides the talk from me and I don't know what to think of it.

Glo. Do you think my King can bear such affronts when for his kindness in sending up one of their Women & Children whom he had bought with his own Money they in return Killed the Man that was bringing her. This is owing to you, for had you sent my King word as you promised him he could have prevented that mischief.

Hobo. I went to the Okefuskeys and told them I was not as good as my word in not acquainting your King but I trusted the matter to Chigilee and he deceived me, But no matter I will

never

never throw away the English, Il endeavour to make amends for this fault.

Glo. I have by my Kings Orders called away all my Kings people from among the Lower Creeks.

Hobo. I heard of it, they brought upon themselves. I heard the whitemen were orderd away they Deserv'd this for hiding their talk from me.

Glo. I had a talk with them and demanded satisfaction as my King ordered me, which they promised to pform, they brought me one scalp but whether they'll do any more I know not.

Hobo. I told my People that if any of them killed a White man let them be as great as they will their life must go for his. Tho' my White King is a great way off I'l mind his talk.

Glover. My King expects you do for he always lookt on you as an Englishman and not as an Indian you never decieved him but this one time.

Hobo. I told all my people that I was always as good as my word, and was now ashamed at what happened, but that Chigilee always kept me in the dark.

Glo. All the rest have their Excuses for it, but I

I have a great deal more to tell you when I give the great talk.

Hobo. You take a great deal of pains to come so far to make it Streight and have often told them to behave themselves well to the English and since they have not and brought it on them-selves, let them take what followes for I nor none of my People will have any hand in it.

Glo. But they draw away your People and I expect to hear that some of your People has carried some of our Peoples scalps to the Spaniards.

Hobo. I sent your King word that if any of my people Kill'd an English Man, I won'd punish him with Death.

Glo. My King bid me tell you that as long as the Yamasees and Creeks go to the Spaniards we can have no Trade with you or your People for they cut of our Perriangoes, Plunder our Goods, and kill our People.

Hobo. When I sent my talk, I also told the English King that they did all they cou'd to make us at variance and spoil my people. I advised the lower Creeks very much ag^st it and

was

was surprized when I heard the blow was struck, but let them take care and look to themselves, I don't wonder that your King is not well pleased for when the Cherokees and we were at Warr and I was daily loosing my people I wou'd never be in a good humour.

Glo. Your talk signifies nothing without you will do something 'twill never do nor can we be able to send you any more goods

Hobo. This is not out of my thoughts, I believed this would be the talk, but my People are all out and as soon as they come in and can get amunition, I'l give them a blow tho' they are well provided

Glo. Amunition shall not be wanting if I see you are willing to go. But I have two things to propose to you, one of which must be done, you must either get the Tallipoosees and your own people to cut off the Yamasees or you must move down lower with your People where we can Trade with safety.

Hobo. When the Towns are got together they shall have this Talk, at present my heart is full of grief for the Death of one of my beloved Men But as soon as I can I will do one of the things you proposed.

Glo. All my King wants is to Cultivate a good Friend-ship

ship and Trade with you.

Hobo. I have given the people a good talk till I am quite weary Now I will give them a bad talk. and see what that will do.

Glo. My King hath been at a great charge and trouble in sending up beloved Men among you, Now unless you will do something I am the last Man he will ever send among you. How does the lower Creeks and Cherokees stand together?

Hobo. I don't know, I comply'd with my Order, But Chigilee hath neither made peace with the Cherokees nor brought in the Yamasees.

Glo. One of the Articles between them and the Cherokees was to bring in the Yamasees since they have not I reckon they will not be at peace with them. The long Warriour sent word that the Tallopooses and Abicakaws Confirmed the peace and are very good, this is the end of my King's talk to you and your People at this Time.

Now I have a talk to you from the beloved Men who send the goods among you they bid me tell you they met with great losses, as a Boat cut off a Store plundered and burnt &c &c. Several Men by selling you Goods too Cheap are forced

forced to run away to the French & Spaniards. You know the man with one eye who is just now run away to the french for this very reason, The B.M. bid me further tell you you must give ten skins for a Blanket, If you will not give that they must carry their Goods down again. You must give your people this talk that they mayn't have any difference with the Traders, for they can't help their orders You have a Notion that the Cherokees have a Trade cheaper than you have it, but this is false. When the Traders go down and can't pay the Merchants. They tell them the Indians owe them a great quantity of Skins to come off that way. I now tell you if any of your people owe the Traders any skins they are not obliged to pay them.

Okefuskys February the 8th 1727/8

At a General Meeting this Day of the Head Men of the Aubickaws & those Towns.

Glover. The talk I am going to give you is from my King and is the same I gave the Tallipooses when they met me here in this House (Vide Jour. Decr. 4. 1727) Now you have heard what Chigilee hath done I desire to know whether you like such Doings

doings?

Hobo. If it was good we shou'd like it, but I don't believe any one likes it.

Dog King. I can't think it is good, and I believe no body here thinks it is, what I have heard is enough to make a stone soft.

Glo. My King sent me here to Demand Satisfaction of the Lower Creeks for the injuries done him, I talked to them and Demanded Satisfaction accordingly they promised to comply with my Demands. But since they brought me one scalp they think that will satisfy my King for all.

Hobo. All of us that are here have heard your talk and take it well, when the Sickness is over, as many of us as are left alive will see and do what we can.

Glo. I shall let my King know that the Lower Creeks will do nothing, so that he may take his satisfaction of them as he think fit, and you must not take it amiss that my King will revenge the Blood he has lost on them since they will give him no satisfaction. I do assure you my K.g intends no hurt to any of his friends.

Hobo. We shall have nothing to say to them.

Glo.

Glo. My King would desire of you that you would pitch upon three Men such as you can confide in to consult with me what is proper to be done to put a stop to those proceedings, or if it goes on as it doth 'twill be impossible for us to carry on a Trade even with you who are our friends, So that he expects you will join hands with him to keep the Trade open. Our B. M. who send us up the Goods are afraid to venture them now by Water to Savana Town, which causes the Trade a great deal more Difficult than it used to be by sending our Horses down to Town. Some of you that are here very well know that my King hath taken all the pains he can to bring in the Yamasees upon a Peace but the Lower Creeks hath kept them out and would not let them come in on purpose that they might have the advantage of Robbing and Plundering us of our Slaves and Goods and laying the blame on the Yamasees, This has been practis'd several years against my King. My King could never have an opportunity of taking Satisfaction till now, by reason you and they were involved together in a Warr with

with the Cherokees and he cou'd not do it with Damage to you which it was never in his heart to hurt ye innocent.–
You live at such a distance from us that we must almost pass by our Enemies to come at you so that I would have you take it into consideration and to pitch on 3 Men to consult with me about taking such Methods as may stop it before it goes too far for it will be a great Deal of Trouble for me to call you all together when three men can come very easy. But you must come to a Resolution among yourselves to stand to what those three men shall do in your behalf. I expected ere now to rec^d letters from my King but believe the bad Weather stops them on the Path.

They withdrew to consult about the promises & after some time return'd but without coming to a Resolution about the 3 Men &ca.

The same day Thursday the 8th February Rec^d the following Letter

Chickesaws Jan^ry 17. 1738.

Gen & Sirs

The Chactaws encouraged by the French are

intended

intended to fall upon the English & their friend Indians they were headed by a French Man and took away my Horses, but my Towns Men pound them and their Number being small they returned my Horses with this answer they could stop the English path from Savana Town and from thence here. This I beg you will make the Traders acquainted with in order to take the better care of themselves. The Chickesawes are Desirous to know if the Creeks will stand by them agt the Chacktaws. I beg you'l let me know what they say concerning the matter. And if the Creeks are willing to join these people I writ Majr Durham concerning this matter which you'l forward wth speed being of great importance to Carolina if it should miscarry. Pray let me know what the Creeks say & your answer pr bearer.

To Mr Alexr Wood I am
in his absence Sr Yors &c
To Mr Thos Savall. Jordan Roche.

To which letter I returned the following answer

Mr Roche February the 9th 1727.

Your Letter you sent by the Indians are come safe to hand, I perused that to Mr Wood &c where I find the French are acting very much agt our Interest

interest in the Nation where you are, wch I don't at all admire It's my opinion that Mr Wood Ogilvie and yourself are the occasion of it, on acct of some Horses you set the Indians to steal from the French of which they have several times complained to me and said they wou'd make Reprisals for them. Thos Dean cross'd the Cussaws the 4th Jany bound to yr Nation I wonder I heard nothing of him by yr Indian who brought your Letters. It's my advice to you to come away with your Effects as soon as you can for I believe the Governt will not pmitt yr people to come up again by reason there is such a General Confusion among these Indians. I shall send your Letter down by the first opportunity wch is all that offers from

Yors &c.

Cha. Glover

Munday the 12th Feby Liquor & Fitchy witchee of the Cussitaws arrived here and informed me that Chigilee & some few of the head men of the Cowetaws & Pallicholas kept the Lower Towns from doing what they promised. I used several arguments with them to stir their People up to stand against them which they promised me they would.

Hobohatgee

Hobahadgee & the Dog King sent very severe messages down by them to the Cowetaws and Pallachocolas threatning them that if they did not comply with their Promisses to the English that they would oblige them to it. Telling them that they had several times brought the Tallipooses and Aubickaws into trouble by their Roguish doings, but that they would take care of them for the future. They sat up a whole night drinking of black drink Ex-horting them to stir their Warriours up to comply with what they had promised.

Friday the 16th Feb. 1727. John Mussgrove set out with a small party of Indians agst the Enemy

Munday the 19th Feb. arrived the Express from the President by John Reed.

Cowetaws March the 17. 1727/8.

May it please yr honr

I inclosed you have a continuance of my journal till the 19th of Feb 27/8 since which time I have been in confusion and have not time now to tran-scribe my journal but shall send it in a few Days, so dispatch this in haste to tell your honour that the French are busy in the spanish Interest here is now arrived a French Captain in these Towns

wch

wch is the occasion of my being here. He came from Augustine with a Spanish Captain and some Soldiers bound for those Towns with Chacattey in order to raise (as I understand) these People to go against Carolina, But at St Marks heard of Musigrove and his Gang gone out The Spaniards returned, but the French Capt. proceeded with 3 men only, as soon as I heard of their coming I posted down in these Towns to try to make our cause as good as theirs, and happened to get one day before them. and gave the Indians (who were all met at the Cowetaws) a strong talk and they promised to mind it and take no notice of what the French said.

The next day he came and after Complements was past on each side he seated himself by me and told me he hoped he had given me no affront in coming here, The Particulars your hon^r shall have in my Journal in little time but the substance of his discourse was that the Govr of Florida sent an Express to his General at New Orleance to desire him to assist him with some Troops to go against Carolina upon which his General sent him to know the reason for his going against Carolina and when he came there he found several English there prisoners which

which he interceeded with the Govr. to release and also got him to release a New York Sloop which was seized, and that the Govr. of S^t. Augustine had given him his word and honour that he will not send any of his Indians ag^t. Carolina if Carolina did not send any against him and Desired I won'd be easy and not send there Indians ag^t. the Spaniards and he won'd be bound for the Governm^t. of Florida that they won'd not hurt the English. I told him I was about my Masters business, and should do nothing but what I had authority for, but as for setting the Indians against the Spaniards I did not but set them against our Indian Enemies. he told me he was informed I did. he answered me his People had told him the Tooka[s]ey King was gone out with a Commission, I told him he was, but it was against the Yamasees, he answered me it was very well, but he had a great many French that way, and if the Tallipooses won'd hurt one French man his General wou'd be foul of them. He tells me and those the French has thirty thousand Indians at their Command.

The Indians won'd not let him give his talk without I heard it, which was only to make a great Deal of Corn

Corn & Tobacco to feed the white people that comes among them, and they might set down and Eat and Smoke it all together, and be friends with all the white people for the white People are all friends one with another.

The Indians takes no Notice of him.

I am now going to the Cussetaws to receive two Sceeps which came in last night which makes me break from giving your hon^r. any further acc^t. of affairs in these Towns but refer it till tomorrow and give you an account of the French in the Talla-pooses or Allbanes They are building a large Fort and drawing all the Indians they can to settle on the River below the Fort. The Capt. of ye Fort is gone down to Manville.

The French hath made several Complaints to me against M^r. Wood and Thos. M^c. Kiney for setting the Indians to steal their Horses. I desire your hon^rs. orders about that affair, it is my opinion it would be better to make them satisfaction for it.

They have now a Negro belonging to a Man at Pon Pon who has run away from his Master and has been catch'd several times and still gets away I desire your Order about him, I believe it as much as

as he is worth to bring him down I believe it would be better to set his head up for an example.

The Tallapooses and all the upper people are in our Interest and could have been out before now but have had a sickness among them, they have lost by the sickness near 500 people and it is still raging. I have gone through the firy Trial but thank God I have recover'd it (I don't complain) but do assure your hon^r. I never was so weary of any business I ever undertook as I am of this but hope to aquit myself of it with honour to myself and good to the Publick and do assure your honour there will be nothing wanting in me as far as I am able.

I shall observe all y^r. hon^rs. orders to me in your Last letters. I expect to get out a good Gang of the upper people, as I return to the Tallapooses I shall off tomorrow as soon as this Express is gone and leave M^r. Hicks in these Towns to give me Intelligence from time to time and to Encourage the Lower People.

Cussettaws.

I just now rec^d. from the hands of Liquor two scalps one a Yamasee, and the other a Spaniard, those people are out of ammunition, I wrote formerly

to

to yr. honour that I had engaged 100lb of powder and some Bullets but the Man deceived me to have only 100lb of powder and 150lb of Bullets, I desire yr. hon.r will dispatch a good quantity of Powder and bullets, it is my Opinion that if we supply them with powder and Bullets we shall have no occasion of the army fitting out. I believe they will comply with what they Promise. The worst task is the French.

Cherokee Leechee is sent for, but am afraid he wont come, he has sent up to those People that he will go to the French before he will come here. This Capt. came through his Town and I suppose wrought his ends with him, as he would have done here had he come two days sooner, I am obliged to get in with Chigilee and did it very handsomly by telling him of the reward the Spaniards set on his head, he has promised that he will be entirely in the English Interest, and comply to your Demands, but Powder and Bullets is all their Cry, I hope your hon.r will not fail sending some. Chigilee and Liquor hath sent this Day to Cherokee Litchi that if he will not come they will come and spoil him. I plainly see that old

old Brims is the man that has all the Power, and his heart is for the Spaniards, I believe it wou'd do very well if your Honr sent him something. The Spaniards was allways sending him now and then a Bag of Molasses and a little chocolate and Sugar. I make bold to prescribe a present for the old man if your honr thinks proper. Vizt. A Gown let it be one side a pretty Cullaminio the other side a Callia a fine Cap, a loaf of White sugar 100lb of Brown a small Cag of Rum a Silk Swash, all will not cost a great deal and it will win the old mans heart.–

The 18th/ and I desire your honr will send me a piece of Callico to give away where we have been troublesome. – The Head men of these Towns has desired me to let some Trader come among them since they have made a beginning. I told them I would write to yr honr about it, I believe when they have done a little more it would be proper to let one come.

There is two Gangs out of our Enemy of those People beside Musgrove and I am sure of a good Gang from the upper People. I desire yr honr order about the above and full Instructions relating the

the French. I wish y^r hon^r. wou'd write to ye Govr. of New Orleance to know his reasons for busing himself so much wth the Spaniards ag^t us. I shall as soon as I get to the Tallapooses visit the Albames and secure them from the French and if I can get the Head men to come down with me to see y^r hon^r.

Your hon^r ordered me to give you my Opinion relating to the armies coming out, it is my opinion there will be no occasion for them it is the Trade must Govern these People. If there comes an Army they'l fly to the French. it will be absolutely necessary the supplying of these People with ammunition If your hon^r is put to Straight for horses Order Maj^r Durham to take any of my Pack horses or Mares at Savana Town or my Cowpen for that service, but I desire my riding horses at my Cowpens may be excused. I desire your hon^r will Discharge Florance Mohony, he enlisted with me the 12th october and hath rec^d one Months pay. I have discharged one More of my Men. I shall acquaint your hon^r further of that at more leisure. I am now in a hurry to get to the Tallapooses before the French Capt. gets there. I hope to get

away

away in two hours so shall conclude

Your hon^rs

Most dutiful & humble Servt

P.S./ Cha: Glover

The Number of white men that came from St Augustine with the French Captain was seventy which would psuade these People ag^st us if they had come.

I desire your hon^r will Excuse blunders in the writing. Note the page dont come in Course but the numbers are right.

Journal continued

Okefuskeys.

Friday February 23. 1727/8 I sent the Dog King Taskinee and Mr Hodge with a Message to Chigilee and some other head men of the Lower Creeks &c.

Friday the 1 March I went to the Okejoys and had a conference with Lifte Hadgee whom I had sent some time before to treat with the Albania Indians concerning a Trade with us having made a proposal to send Lifti Hadge to include their Town in his Com^n if they would consent thereto, some of ye chief men he said promised to

to meet me at that place but were not as good as their word. Next day I returned again to this Town.

Saturday the 2nd March The Dog King with the above mentioned Two men arrived from ye Lower Creeks

Munday the 4th March Arrived Chigilee the Long Warriour of the Cowetaws & other Head men of ye lower Creeks.

Tuesday the 5. this day, Chigilee the Long Warriour of the Cowetaws, Lavichee Hadgee & alfonses of the Cussitaws and two Hitchitaw fellowes being all met, where were also present some Head Men of this Town together with Hobahadgee and Lifto Hadgee which two last I had sent for on this occasion

I spoke to them as follows (addressing myself to the Lower Creeks)

I have lately recd letters from my King who ordered me to send for you to know whether you'l do what you have promised and has ordered me in case you will not do it to immediately come down that he may find some other way to make you do it. Since my talk to you at Tookabatcheys several of your people has been down with the Yamasees & killed some of our People. Theres been at St Augus-
-tine

-tine, Chickatee & Madumee with 60 men offer'd their Service to the Govr. of that place to go against the English. I desire your answer what you think of these things, and whether you will comply or not? that I may send my King word accordingly.

Chigilee. I dont deny but these People have been down the reasons I have not performed my promise is because my people have been down among them but now I have got them home.

Glover. Now you say your People all at home, what do you intend to do.?

Chig. I own my People hath done some Mischief But now my heart is good, I have been down in my time and killed some of their People and I have since told them if ever they took an English Scalp I should revenge it upon them, Now my heart is straight and what I am going to tell you is true.

Glo. I'l make but a short talk of it, and tell you once more what my King demands of you. He expects you'l stop the Spanish Path for while that is open 'twill never be straight between you and him.– For the men he lost he expects you'l deliver him Ten Yamasees (the Euphaby Fellow

fellow to be one of them) You have brought in one scalp already, there now remains Nine & the Euphaly fellow There's an Indian called Essabaw has been down and killed some of our People my King demands him to be delivered to me.

Chig. He's Dead, Cherokee Litchee & he were kill'd at Pon Pon.

Glo. If he's dead there's no help for it. You must remove Cherokee Letchee and bring him into your Towns.

Chig. The Pallachola People are gone to bring in Cherokee Letchee. The Tomahedlys sent us word the Spaniards wanted us to go and kill the English, we told them we were Red people and would not be concerned.

Glo. We don't want you to kill Cherokee Litchi nor any of his People only to make them come and live amongst you, & so may the Yamasees and other Indians that will come and live among you may do it. You must bring the Yamasees alive that I may know them, all this you may easily pform, 'tis so much only Nine Yamasees & ye Euphaly man.

Chig. What of our People are not at home now have been

been out a long time, and those that are but lately gone out are come home, 'twill be a hard matter to bring them alive that you want.

Glo. You must catch some of them alive, I must see some of them and talk with them.

Chig. It's possible we may bring some of them alive, but we can't catch them all, It's the way of Indians when one is killed the rest will run away.

Glo. I know a Yamasee Scalp from a Tuckobeggo.

Chig. You have a heart and so have I, when we all go out and advise among ourselves we'l endeavour to bring in some of them alive.

Glo. That will do I don't ecpect you'l bring them all alive, If you'l bring me three alive that's enough But the Euphaly fellow must be one. This you must do, 'tis in vain for you to stand out, you'l but ruin your own Towns, What can you do without the English? you may talk what you will of the Spaniards, but you'l find the English are y^r best friends.

Chig. We know it & now find to be true.

Glo. You can have nothing of them but p^r/8 and what can you do with them I'l take care that none of our People will let you have for them

Bring

Bring in the Nine Yamasees and the Tyger King and all the rest on a Peace, This and nothing else will content my King, and as soon as ever you have performed all this and broke off from the Spaniards our People shall have leave to go and Trade with you again. I understand that you have built a Fort and keep a Scout out against the Cherokees you have nothing to fear from them. My King keeps them off & they shan't hurt you unless you begin wth them.

Chig. What made us build a fort was the talk you gave us at the Tookabatchees that they had not yet made a Peace wth us.

Glo. You need not fear them if you'l do but as you promised, if you don't ye fort signifies nothing. My King knows there good People among you, but it is your Spanish Captains that takes their Presents and fine clothes that spoil all the rest, and now you are going the Broad Path to Destruction by fighting against one another, some for the Spaniards some for us, you are just like the Chickesaws, and if you go on at this rate you'l be afraid of one another as the wild beasts are in the woods. Your Towns can never stand unless you

you are of one mind one Tongue and one People
but you must fall to the ground like a House
that is supported by some pieces of Rotten wood.
how long will it be ere you fit out, you have already
had three months time.

Chig. The reason we could not go, our people was not at
home, but now they are.

All fours. We should have gone out before this time but
that you sent for us to this talk just as we were
going (then they all said it wou'd be the light of
Summer before they cou'd go.

Glo. That wont do, if you do not go befor that time
You'd as good tell me You will not go at all.

The Indians. Did you send for us all?

Glo. No I only sent for those two (pointing to
It's my Kings orders to me to go down in case
you had not complied with his Demands, and
if you do not set about it forthwith I must go
If you do not promise me to go about it in
Ten Days after you go down I'l stay here no longer
You promised my King (Speaking to Chigilee)
to bring in the Yamasees upon a Peace, instead
of that y.r People joined them and cut off our
People, and now you want to defer this Business
till

till you do the like again.

Chig. It's true the talk was given to me alone to bring in the Yamasees & when I came home I sent down Tom Itchi and Chickatty to them but they were psuaded to the Contrary, and a letter came up to Jones to make a Peace and he being a white Man I left it in his hands.

Glo. It all lies at your door, for you might have sent my King the answer Tom Itchi & Chickatty brought from them instead of letting your Men join them and then my King could have prevented the Mischief

(Hoboh speaks) I won'd have you mind & do what you are Desired your People are all well tho' mine are sick.

Chig & Long Warriour } We'l go as soon as the moon is right up and down at break of Day.

Glo. Tis very well, but I am afraid you'l loose the Talk now on the path as you have done before

Chig. My heart is true and I am very cross with the white People who occasioned this misunderstanding between us and you, & I'l spare none of them.

Hoba. I would have you to mind this talk and do it, and then if your People are killed we will

revenge

revenge it.

Glo. My King ordered me to promise you a very good reward for all the Negroes that you shall take & bring to him that belong to us now at Augustine.

After I had concluded my talk with the Indians I rec^d^ a Letter just at Dark, from Alex McQueen which informed me that the lower Creeks had turned back Mussgrove & his Gang with several other matters which required my presence immediately at Tookobatcheys.

Wednesday the 6 March 1725/6 arrived at Tookabatcheys where I found Allachee with only seven men had returned and that Mussgrove and the Tuckarey King had pursued their journey with about sixty men. I was informed that the Lower Creeks had intended to join the French & Spaniards, to go against Carolina and that there was some of both those people coming up to the lower Creeks.

Monday the 11 set out from the Tallisees bound to the lower Creeks and arrived at the Cowetaws the 13th where I was told that the French Kings son had come to the Pallachocola the Day before and had sent to their head men to meet him there (they being now all

all met at the Cowetaws) They sent him word to come up to the Cowetaws.

Thursday the 14th March I gave the following talk in the Cowetaws Round house. The Head men of the Lower creeks being all present.

I am come to see you Perform your Promise you made to me in behalf of my King.
I told you them over so often that I am sure you have forgot none of them. I hear there is a French-man coming with a talk to you, I wou'd have you take no notice of anything he says. If it was a talk from their great men it would come the French path, but 'tis a trick of the Spaniards to send a Frenchman with their Talk, they have been such Rogues that they are afraid to come with it themselves, as for his being The King of France's Son thats a lye. To be short with you, consider your own Interest, Shew me one of your Women or Children cloathed by the French or Spaniards and I'l shew you 500 Cloathed by the English.

You all very well know that the French and Spaniards are very often buying yr Stockins Flaps & yr Womens arse-Clouts. I should think that would

would let you see they are a poor People. You tell me yourselves that when you go down to the Spaniards they tell you they have a ship coming and so they tell you from Day to Day for Six months before she comes there's been several of you down in Charles Town and seen ships coming in every day, and did you ever hear the English talk of such things, we won't get out of our Chairs to go and look at so foolish a thing as one Ship. When a small Spanish canoe is coming to yr. Towns the whoop will be carried to the Abecaws before she gets to the Cowetaws, but I can never hear any of you talk of our Pack horses coming till you hear the Bells jingle. So consider and Comply with my Hr. Demands, If you do not you may depend he'l be no longer your friend but will take some other course for he will not suffer himself to be abused by you. I have not further to say to you. Neither have I any thing to say to the King of France's son when he comes unless he has something to say to me, and then I shall answer him, but I would have you take care and don't be deceived by him, his business is only to sound this River that they may set a

a Fort on it, but I hope you will not suffer any such thing to be done for the sake of your Children

Answd by all. What you say is very true and we'l all take your talk, and hold it fast, but we want to hear what this French Man has to say to us and tomorrow we'l consult about pforming our Promises to you.—

About 12 oclock the same Day the King of France's son as they call him came Dress'd in a Lac'd coat and a Feather in his hat after some Complements passed between us we seated ourselves on a Cabbin in the Square, he asked me if I could speak French I told him (no) but called for one of my Men who could talk French for an Interpr. Then he spoke as follows.

Frenchman. Sr. I hope I have given you no offence by coming here, I am not come to trade or any wise to prejudice you what you are about, but have met with misfortunes by being cast away & am only passing this way home. I am a Gentleman and have no occasion to Merchandize I have wherewithal to live and am come for my pleasure to see this Country.

To which I answered

Glover. Sir, these People are a free People and I suppose

You

you are as welcome here as I am, so that your coming here can be no affront to me, I can't but be sorry for any Gentleman's misfortunes, as for my Character 'tis well known to my Master who sent me here, I am about my Masters business and shall execute his Commission.

French M. S^r I hope you won't set those people against me to do me any hurt.

Glo. No S^r I do assure you, I'l do anything in my power to serve you as a French man, and do assure you I have nothing in my Instructions to the prejudice of the French. But S^r I am told you are come from the Spaniards to these People if you have anything to say from the Spaniards to these People, I will not look upon you as a French Man nor as a Gent^n, and as you say you are both I desire you'l declare whether you have or not.

French. Sr Upon my honour I have not and I hope you will not say anything to this People in my Prejudice, I shoud be glad that I cou'd do any good Offices between the Govr of Florida and you, I shou'd be very ready to do it. I was the occasion of the discharging ye prisoners at

at St. Augustine & a New York Sloop that was there seized.

Glo. I can't tell what good services you have done or wou'd do, You must tell that to my Master. But you wou'd oblige me very much: If you'l Declare to those people that you have nothing to say to them, from the Spaniards.

French. I have no business with it, and will not meddle nor make.

Glo. I hope you are a Gentleman of your word.

Fr. Yes Sir I am.

Thus having put an end to the above Dialogue, I stood up in the square and ordered my Linguist to tell the Indians that I had talked to this Gentl^n and he tells me that he has nothing to say from the Spaniards to them. They all knew I never said anything against the French, they and we are friends which is all I have to say.

This put the Indians in a ferment seeing they had waited two days for his talk and that he had none to give them. But said they knew he had a talk, but that I stopt his mouth and wou'd not let him give it out, but that they would know it and seem'd to be in a great heat with me. I told them that if

if he had any talk for them, I Desired him to give it, but I believed he did not want me to hear it therefore I wou'd go to the Cussetaws and give him an opportunity to talk to them if any he had for them. I ordered my Horse and went to the Cussetaws where I stay'd all Night.

Friday the 15th March 1727/8 I returned to the Cowetaws and found the French Man had some-thing to say to the Indians, but Chigilee told him he would not hear it till I came, after I had come, the Pretended son of the French King came to me and told me he had something to say to those Indians from his General but waited till he had an interview with me that so I might hear it, that there was nothing relating to the Spaniards in what he was going to say. I told him I was very much obliged to him, but that if he Deserved it I would retire and give him liberty to talk which he did as followeth.

Frenchman's Speech to the Lower Creeks} I am come from my great King over the great Water & what talk I have from him I shall give, I shall not add one word nor take one word from it, but just as he told it me I shall tell it you

My

My King wou'd have you be kind to all white People and to be at Peace with all white People, all the white People are friends one with another & so my King wants you to be and wou'd have you plant a great deal of Corn to feed the white People that comes among you & be friends to all that they may sitt down and smoke Tobacco to-gether.

This English Capt.ⁿ tells me he has given you a good talk already. I told him I had a talke to you and he shou'd hear it, I am going to the tallapooses and want horses to carry my things. If you have any to spare me, I'l pay you for them, I am not come to trade among you nor to bring Powder & Bullets to kill anybody. But I am a great Capt.ⁿ sent by the great King to tell you this, so this is all my Kings talk, and I am the man that tell it you.

Indian's answer } 'Tis well, But is that all?

Glover's answer to the Frenchman's Speech } I stood up in the Square and order'd my Ling.ᵗ to tell the Indians as follows.

Part of what this Gentleman says is very true, the French and we are good friends, as for the Spaniards you know what friends they are to us, and you all

all very well know who comes here to Trade with you, If you don't, look upon your Wives & Children If you take care to make Corn enough for yr selves you'l make enough to feed yr friends.

Indians. 'Tis very well we thank you for your Talk.

The French Capt. ask'd his Lingr. what I had said to the Indians, who told him, Upon which he came to me and told me in English, upon my word Sr 'tis very true what you say. So the Indians broke up and went away home.

Saturday the 16th. It rain'd much all day, I had a long Confabulation with the French Captain The Sub-stance of which is contained in the foregoing Journal & following

Letter to the Honble the Presidt.

Cowetaws Mar. 17th 1727/8.

May it please your Honour

Inclosed you have a continuance of my Journal till the 19 February since which time I have been in Confusion, and have not time now to transcribe my Journal, but shall send it in a few days, so dispatch this in haste to tell yr Honr that the French are busy in the Spanish Interest.

Here is now arrived a French Capt. in these Towns (which is the occasion of my being here) he came from

Sr

St Augustine with a Spanish Capt. & some soldiers bound for this Town with Chickatty in order to raise, as I understand, those People to go agst Carolina, but at St Mark's heard of Mussgrave and his gang gone out, the Spaniards returned, but the French Captain proceeded with three men only, as soon as I heard of their coming, I posted down into these Towns to try to make our Case as good as theirs, and happen'd to get one Day before them, and gave the Indians, who were all met at the Cowetaws a strong talk & they promised to mind it and take no notice of what the French said.

The next Day he came and after Complements was passed on each side he seated himself by me and told me he hoped he had given me no affront by coming here, The particulars your hon. shall have in my Journal in a little time. But the substance of his Discourse was that the Govr. of Florida sent an Express to his General at New Orleans to Desire him to assist him with some Troops to go agst Carolina, upon wch his General sent him to know his reason for his going agst Carolina, and when he came there he found several English (their Prisoners) which he interceded with the Governour to release & also got him

him to relieve a New York sloop which was seized and that the Gov.r of St Augustino had given him his word & honour that he will not send any of his Indians ag.t Carolina If Carolina did not send any ag.t him & desired I would be easy & not send these Indians ag.t the Spaniards and he would be bound for the Gov.r of the Florida that he would not hurt the English. I told him I was about my Masters business, and should do nothing but what I had authority for, but as for setting the Indians ag.t the Spaniards I did not, but set them ag.t our Indian enemies, he told me he was informed I did, he answered me these people told him the Tookasaw King was gone out with a Commission. I told him so he was, but it was with a Commission against the Yamasees, He answered me it was very well, but he had a great many French that way and if the Tallipooses would hurt one French man his General would be foul of them. He tells me and these People the French have 30,000 Indians at their Command. The Indians wou'd not let him give his Talk without I heard it, which was only to make a great deal of Corn & haste to feed the White people that comes among them & that they might sit and eat and smoke it altogether

&

& be friends with all the White people, for the White people are all friends one with another.

The Indian takes no notice of him. I am now going to the Cussitaws to receive two Scalps which came in last night which makes me break from giving yr. honr. any further accts. of affairs in these Towns, but refer it till tomorrow & give you an acct. of the French in the Tallipooses or Albames.

They are building a Large Fort & Drawing all the Indians they can to settle on the River below the Fort. The Capt. of ye Fort is gone down to Manville. The French hath made several Complaints to me agst. Mr. Wood and Thomas McKenny for setting the Indians to steal their Horses. I desire yr. honr. Orders about it, (its my opinion it wou'd be better to make them Satisfaction for it) They have a Negro belonging to a man at Pon Pon who has run away from his Master and has been catcht several times and still gets away. I Desire your orders about it, I believe 'tis as much as he is worth to bring him down, its better to set his head up for an example.

The Tallipooses & all the upper People are in our Interest and wou'd have out long ere now but had a sickness among them, they lost by the sickness

sickness near 500 people and it is still raging. I have gone through the firy trial of it, but thank God I have recovered it, I won't complain but do assure your hon^r. I never was so weary of any business I ever undertook as I am of this but hope to acquit myself of it with hon^r. to myself and good to the Publick, and do assure you there will be nothing wanting in me so far as I am able.

I shall observe all y^r. hon^r. orders to me in y^r. last letters, I expect to get out a Good Gang of the Upper People as soon as I return to the Tallapooses. I shall get off tomorrow as soon as this Express is gone and leave M^r. Dix in these Towns to give me Intelligence from time to encourage the lower people.

Cussitaws

I just now rec^t. from the hands of Lique two scalps one a Yamasee the other a Spaniard, these people are out of ammunition. I writ formerly to y^r. hon^r. that I had engaged 100^lb Powder and some Bullets, but the Man deceived me so have but only 1 C. Powder + 1½ C. Bullets, I desire y^r. hon^r. will Dispatch a good Qty of powder and Bullets.

Its my opinion that if we supply them wth. Powder + Bullets we shall have no occasion of the

the Armys fitting out that they will comply with what they promised, the worst task is the French.

Cherokee Litchee is sent for but am afraid he won't come, he has sent to those People that he will go to the French before he will come here. This Capt. came thro' his Town and I suppose he work'd his ends with him, as he wou'd have done here had he come two Days sooner.

I am obliged to get in with Chigilee, and did it very handsomly by telling him of the reward the Spaniards set upon his head, he has promis'd me that he will be intirely in the English Interest and will comply to yr. Demands but Powder and Bullets is all their Cry. I hope yr. honr. will not fail sending them. Chigilee and Lique has sent this day to Cherokee Litchee that if he will not come they will come and spoil him.

I plainly see that old Brim is the man that has all the Power and his heart is for the Spaniards I believe it would be very well if your honr. wou'd send him something. The Spaniards are always sending him something, now and then a Cag of Molasses a little Chocolate and Sugar. I make bold to prescribe a Present for the Old Man, if your honr.

thinks

thinks proper vizt let it be a Gown one side a pretty Callamino the other side a Callico & a fine Cap a loaf of white Sugar 100^lb Brown Sugar, a small Cag of Rum a silk swash all will not cost a great deal and it will win the old mans heart.

I am now come to the 18 and I desire y^r hon^r will send me a p^s of Callico to give away where we have been troublesome. The head men of these Towns has Desired me to let the Traders come among them since they have made a beginning. I told them I would write to y^r hon^r about it. I believe when they have done a little more it would be proper to let one go

There is two gangs out against our Enemys of these People besides Musgrove and I am sure of a Good gang from the Upper People. I Desire y^r hon^rs answer about that & full Instructions about the French. I cou'd wish your hon^r would write to the Govr of New Orleans to know his reason for busying himself so much with ye Spaniards ag^t us. I shall as soon as I get to the Tallipooses visit the Albames & secure them from the French & if I can get the Head men to go down with me to see y^r hon^r

Your hon^r ordered me to give you my Opinion relating

relating to the Armies coming out its my Opinion there will be no occasion of them, Its the Trade governs these People. If there comes an Army they will fly to the French, It will be absolutely necessary to supply these People with amunition. If your hon^r. is put to a Straight for horses, Order Maj^r. Durham to take any of my Pack horses or Mares at Savana Town or my Cow pen, but Desire my riding horses at the Cowpen may be excused

I desire y^r. hon^r. will Discharge Flor. Maloney he has listed with me the 12th. October & has rec^d. one Month's Pay. I have discharged one more of my men and shall acquaint y^r. hon^r. further of that at more leisure. I am now in a hurry to go to the Tallipoores before y^e. French Captn. gets there. he goes away in a few days. I hope to set away in a few hours so shall conclude

Your hon^r.

Most Dutiful humble serv^t.

C. G.

P.S./

The Numbers of Whitemen that came from Augustine with the French Capt and the Spanish Capt. was seventy which would have sway'd those People ag^st. us if they had come. I desire y^r. hon^r. would Excuse blunders in Writing

N.B. The pages don't come in course.

The

The two scalps was brought in by five Euchees who was sent out to break the way by licke and give the following acct. of their Expedition. They met with seven Spaniards and three Yamasees at or near the Appalatchee old Town killing beef, and fired on them, Killed one Spaniard one Indian and wounded another Indian and took eight of their Guns seven of which were of our English Trading Guns, upon which Chigilee made the following Speech.

That he did not know what to make of the English they was always setting them against the Yamasees and yet would Trade with them, That those Guns was brought by an English Sloop and sold to the Yamasees at St. Augustine, and now we are setting them (the Creeks) upon them (the Yamasees)

He also complains that it is the Traders fault that their Indians are scattered about so, for trusting them, as soon as a fellow hath got in Debt he goes a hunting, and won't bring in his skins for fear of paying his Debts, so away he goes to Paluchocolas or the Forks and sells his skins and gets as much in Debt there, and then away to Augustine and so to killing the English to pay his Debts that way. He hopes this will be prevented for the future.

I

I set of for the Tallipooses arrive at the Tallicees the next day and there

John McGilveray complains against Miles Mackintosh for bringing up Rum I examined Cole McDaniel about it and found it to be true.

Wednesday the 20th March I went over to the Tookebatcheys and held a Council of Warr, wherein it was agreed that the Red sticks should be sent about to all the Warriours to meet there Ten days from this Day exclusive.

Thursday, I went to the Euphalys & lay all night, had a Complaint made agst George Thomas for coming there to demand old Debts and taking their Raw skins. I made them as Easy as I could, so went to the Okefuskeys where I found Miles Mackintosh had lodged some of his Goods and left his man with 'em contrary to my Orders, I immediately ordered his man to pack away all his Goods to his Master who keeps store at Abikoudges and by Hodgee I writ the following 3 Letters vizt

To Mr William Tenant Abikaws.

Sr/ I had this Day a Complaint agst George Thomas made me by the Head Men of the Euphalis for coming and Demanding old Debts contrary to my

my Orders. I am obliged to take notice of it and Desire you to take care that the said Thomas don't bring you into further trouble. Hodge will tell you what News I have so shall conclude Yours &c

Please to read the following Letter to Hobahadgee

Okefuskeys Mar. the 22d 1727

To the Great King of the Abickaws.

I have been down to the Lower Towns and hath rect of the Euchistaws people two scalps, and the lower people are all preparing to go out against our Enemies And now if you will assist my King with what Warriours you can you will shew yr self very much his friend, and my King will take it very kindly of you. The Tookobatchees is the place to meet at ten Days from the Date of this. Wm Hodge will tell you what other News I have, which is all with my service to yr Capt & Headmen

I am Yours

To Miles Mackintosh

I have a Complaint made to me by John Mc Gilbray agt you for bringing up Rum contrary to an order of Governmt and an Order of mine at several times to you. I have examined Cole McDonald about it and find it to be true, wch very much surprizes me

me that you take no Notice of what Orders is given you, as also lodging your Goods in two Stores and other illegal practices. I shall in a few days inform the Governmt. about it and take further Order how to proceed agt. you You may depend the Govern-mt. will not always suffer themselves to be imposed on by you.

I am obliged to you for your offer of the powder and Bullets for the Publick service, I shall take care to see you satisfied for it, wch is all that offers from Yors &c.

Saturday the 23d. March. Some of the Head men made a Complaint against Miles Mackintosh Messrs. Dix & Wood for demanding their Debts and threatening them to make them pay. I put off the Indians till next Day when they all met in the Square. I then told them not to pay one skin, and in case I heard any more of the Traders threatening them I would send such Traders down to answer it before my King. I checkt Mr. Wood for doing it. He excused himself for doing it as well as he cou'd and told me it was hard for him to lose it.

Received a Letter from Mr. Roche at the Checkesaws as also an acct. that the French has sent a bloody Flag

thro'

thro' all their Indians to be in readiness to fall on these People for medling with the Spanish Indians These People say they don't value them if they can but get Powder and Bullets. The French have stopt the sale of any Powder and Bullets to them.

Okefuskeys March 26. 1728.

May it please your honour

These people are in great fear of the French setting the Chactaws ag^{t} them and are jealous that we are drawing them on to their own ruin by not supplying them with amunition. The Traders tell me they can get none in Town. I Desire y^{r} hon^{r} won'd see to it and let them be supplyed some way or other.

I Do believe the French will set on the Chactaws on them and they have not Powder so to defend them-selves, I shall want for the Publick Service to be sent up with all speed three hundred weight of powder and six hundred of Bullets, which I hope I may not be dissapointed in, if I am I don't know what to say to these People.

I Desire y^{r} hon^{r} full Instructions relating to the French, and what encouragement yor hon^{r} will give these People relating to the Chactaws, wth further Instructions

Instructions concerning the Traders.

There are some that I shall represent as very unfit to come abroad among these Indians any more I believe if your honour thought proper that I shou'd give such of them Notice that they might put their business in such order that their being prohibited from coming might not be any Damage to their Interest. Your honour may Depend till there is an Example made of some of them you will always have this trouble with them, I don't see any occasion for making of Laws and giving instructions unless they are observed.

The Euchees have broke up their Town in the Lower Creeks and are now unsettled, I am endeavouring to get them to Savana Town or the Pallachocolas whether they will or not I can't yet tell.

This People is to meet at Tooksebatcheys next Munday in order to set out, and as soon as they come back I shall go down without orders from yo.r hon.r to the Contrary.

If Col.o Herbert is return'd from the Cherokees I believe he might be wanted here. Its my opinion that it will not be convenient to leave this Nation without

-out somebody in it. The lower Creeks will soon make friends wth ye Spaniards again if there is not somebody to prevent it, and in short every two or three Traders ought to have an Agent or Comissr to keep them in order.

I believe there will be a good many of these head men will want to come down with me if they have good success I Desire yor honr order how I shall manage that. I shall endeavour to bring down what head men I can of the Albamas.

I hope yor honr will find out some way that the Traders may supply these People with Amunition wch is all at present from

yr honor most Dutiful humble Servt

P.S. Charlesworth Glover.

If the Chactaws should fall on these people (as I believe they will) I hope yr honr will send Mr Geo. Smith with a Party of Cherokeys to their relief.

Inclosed I send yr honr Mr Roches letter

Thursday 21st I went down to Hots to see when he would perfix a Time to set out for warr, hearing that it was left to him, and he sent to Techeiw Quecke and

and Lovechicke to appoint the time. Sechew Queske came but the other did not, So it was left to Lovey what he said Hot was to stand to.

Friday 22^d Early in the morning as we was Drinking Black Drink we heard a Pattararo at the Pallachocola Town and soon after that we heard another, we concluded that there was some news a coming to us, We believed it might be from Musgrave, but in about two hour's time there came two head men from thence and told us that there was three large Canoes gone from thence full of men as also from all the Towns down the River, Immediate-ly one of the head men called the Dog King call'd Hot to him and told him that he wou'd immediately go after his Neighbours, he and Ten more took their Guns and went away in all haste.

Saturday 23^d There was one Frenchman and their Linguist went to the Pallachocolas as I suppose to hear of they cou'd from the Spaniards, for as I be-lieve they expected the Spanish Captain at that time. Late in the afternoon contrary to expectation the two fellows came back while the people was yet in the Ball ground, there was a great uproar among the French, but the Indians cou'd not know anything

they

said but Yonfalo Yonfalo and Pallachocula Pallachocula
I had left the Ball ground, the Indians overtook me
and told me the French was run mad Crying out
and naming the two Towns aforementioned. In the
dusk I was wondring to see all the French Men's
horses tied in ropes, for I cou'd see ten in my sight.
I made enquiry of the Indians and none cou'd
tell me till the long Warriour call'd me to him and
told me that the French Men was gone mad tearing
Bundles of Papers throwing them in the fire and
scattering them about house, and that their Indian
Linguist had told him that they were all bound
for the Pallachocolas in the morning and for that
reason the horses was all tied up.

While he was telling me this there came a
runner from the Cussetaws and told me that I
must immediately come down and bring two horses
if possible, and as it happened we had two at the
door, betwixt this and the Cussetaws I met another
man that told me it was the Horses they wanted,
give them to him and I might return, for there
was a Spanish Captain & two men come up as far
as Euphaly and Tookechey and he wanted the Horses
to ride there either to Kill or tye the said Spaniards

So

so I Desired him to return to the Cussetaws and after I knew the right of the storey he shou'd have the Horses. When I arrived at the Cussetaws, Techeque told me the same story, and that if I wou'd lend him the Horses, his horse not being to be found in the night he wou'd go by the break of Day to tye or hide the Spaniards. I told him that the French at the Cowetaws had heard of the Spaniards being there before he or I had any news of it, and that their Horses was now in Ropes in order to set away early for the Euphalys, that my Horses was saddled at his door, and if he wou'd do anything he must go immediately.

Lowchicha being hurt at the Ball play would not go but in his Room. The man that you met at the half way house went, you may remember him by Mr John Boots cloaths he wore, they went as far as the Euchee Creek and met two men coming from Hot to call me they told Techeguechi that the Spaniards was already tied and they were going to call me to see what they shou'd do. Techeguechi told them they might go back, I was at his house would return and tell me of it.

Now they told him that there was four Spaniards two of which was at the Pallachocola Town and two at Hots

Hots, late in the Night he return'd and told me of it, I hearing that they were so near it wou'd be time enough to go at break of Day, before Day I went to where I had tied the Horse he had broke the rope and was gone, I left Car to look for the Horse and came after me, I ran as fast as I could. By the Sun somewhat better than half an hour high I was in the Uchese Square there they told me that the Spanish Captain and his Linguister was at the Euphalys prisoners under the care of the Pallachocola King call'd Tubbaiyo Madome was Commander of one of the Canoes that went out of his Town, he first met the Spanish boat & took her, he that offer'd the Spaniards 60 Men but the other Day, was now the first that laid hands on his former friend their Captain.

I also told them that the French had heard of the Spaniards being taken Prisoners, that it was the best way to send some Warriours to prevent the French seeing of them, accordingly they despatch-ed three young Men to the Euphaly Town, I told them that if they did not make haste the French wou'd overtake them, So Hot ordered them to go a near and uncommon way to take ye Prisoners and

and bring them up on the other side of the River. To prevent the French from seeing of them that there might be no Clamour. I saw the two that was at Hots Town, one is a pretty elderly man and the other a Youth as I guess 17 or 18 years of age I think a half breed. About ten of the Clock Chigilee and two of the Cussetaws came to Hots Town, he very much encouraged them in what they had done and desired them to keep a good Heart and go on with Vigour as they had begun we heard that the Toomatby people had run to the French but the Spaniards informs us that they are not.

I heard Chigilee ask Madome what the people intended to do with the Toomatby Town, he answer'd he could not tell for that that was left of his brother Yancey he was head of all that was out. Chigilee said that they had been sent for many times, that they deserved to be cut off, and if Yancey spared them he heard that the Tallapoose people was out and they won'd not spare them.

Madome says that after he took the Spaniards and lay by, there was fifteen Canoes past him, that he saw and believes some in the Night this he did

did not see. they keep on day & night The Spanish Captain being come up this way & some of these people with him those at St Markes will have but little thought of what danger they are in wch is supposed they will meet with on the 27th of this Instant.

Munday the 25th Chigilee came to me & told me that he had heard that the French had over-took the three men that went to the Euphalys and that they had rescued the Spanish Captain and his Linguister. When I asked him if he wou'd let them carry him away, he told me that they were white people and that he cou'd not tell what to do with them, he believed that they wou'd carry them away. All my Persuasion cou'd not prevail with him to take the Spaniards back by force he seems to be afraid of the French, they have threatened these people so much with their Indians.

The Cussetaws March the 26th 1728.

Colo. Glover,

Sr/ late last night news came to my knowledge and I thought that it was full time to send you word of what had happened, I wish you would be pleased to send Orders what you wou'd have done with the

two

two that is at the Hots, and if you think fit give me orders in case such another Accident may happen I shall use the utmost endeavours to prevent the French from carrying that man through their Towns.

Sr/ I beg that you will excuse me for sending you such a scrall on so Black paper and in such bad order it was only a Memorandum that I had scrabled to keep and send you the Copy writ in order but I was in such haste to let you know what had happened I was afraid to lose this Day.

Sr I am your most humble Servt

P.S. Sr if you think fit to send a man back I desire that you will send bar again.

Daniel Dicks.

Sr/ This moment as bar was mounting his horse there came a Runner from the Cussetaws and tells us that the Tallapoose people came on the French just in the nick of time, and has took the Spanish Capt by force and is Carrying him up the other way to you. When Chigilee heard the news he started & jumped for joy.

Sr/ I am your most humble Servt

Daniel Dicks.

Tuesday twelve of the Clock

Okefuskey

Okefuskey March 27. 1728.

May it please yr. honr.

I have just now recd. a Letter from the Trader at Tookebatcheys which informs me that two of the Lower Creeks are come up with a Spaniard prisoner and have two more of them Prisoners at the Pallachocola in the Lower Creeks. There was four of them came with a Present in a Canoe to the Lower Creeks. In the Skirmish they overset the Canoe and drowned the Captain took the other three alive. These People threaten to burn this they have brought up here, but I shall prevent it if I can Which is all at present from

May it please yr. honr.

For his Matys. Especial Service   yr. honrs. most obedient humble Servt.

To the Honble. Arthur Middleton Esqr.   Charlesworth Glover

Presidt. & Comandr. in Chief

of his Matys. Province of South Carolina.

Euphalys in the Tallapooses Mar 28. 1728.

May it please yor. honr.

Yesterday morning I sent the Express away, after they were gone I had acct. of the Lower Creeks People taking a Spanish Canoe & four prisoners, I wrote you a letter and sent it after them and came to this Town

where

where I met George Thomas with the Spanish Captain who I informed y^r hon^r was drowned, upon which I sent post after the Express to stop them in the path till I sent Him to y^r whom I am now sending away and shall immediately send down to Mr Dicks in the Lower Creeks to send the rest down to Savana Town by some Indians. The French Captain is endeavouring to risque this man from the Indians, he has got six men from the Fort and is now searching the Lower Creeks for them, which makes me dispatch him away out of their way, and shall send necessary orders about the others. Chigilly and the French is fallen out sadly.

This Man was taken by Madomy who was down not long ago at Augustine and offer'd the Govr of that place Sixty Men in Company with Chackaty. yesterday these Upper People had a Meeting about the News of this man and says it will signify nothing for them to go out, I urged them wth their former promises, upon wch they told me they wou'd go thô they knew they shall do no good, so that I am not certain of their going yet thô I have writ so positively of their going wch I was sure of till now.

I

I believe I shall want more Men to keep the French from insulting of me, and what I shall do for provisions for them I know not, it is like to be a famine among those Upper People. this y^r hon^r will consider off, so shall Conclude

your hon^rs most Dutiful
& humble St Charlesworth Glover

March the 28. 1728.

May it please y^r hon^r

Notwithstanding all the cautions I can give I still have complaints against the Traders (they and the French) plagues me that I don't know what to do with them, I shall this Day serve Mr Wood with an Order To Depart this Nation in two Months from the Date and have given the Indians my promise he shall not return here any more. If y^r hon^r don't justifie me in this it's no purpose my Stay-ing here. I inclose y^r hon^r Mr Dick's Letters from the Lower Creeks, which is all that offers from

your hon^rs obedient & humble S^t
Charlesworth Glover.

P.S.

I can't forbear mentioning Powder & bullets

For His Maj^ts Especial Service

To the hon^ble Arthur Middleton Esqr Presid^t & Com^r in Chief of his Ma^ts Province of S^o Carolina

Emplaty

Euphaly. Friday the 29th March set out for the Tookobotcheys where I arrived that night and met one of Mr Deans Men bound for the Chickesaws, by whom I writ a letter to Mr Roché in answer to one of I had sometime before recd of him (and sent the honble the President) wherein I desired him to bring down two or three of the Head men of that nation to pay their respect to his honr the Presidt.

This day came the French Capt to the Tookebatcheys, but was gone before I came, he was in a great heat with Car about the Spands and threatned me that he would remember me so went away full of Indignation to the French Fort.

I waited here for to see the army made up which with much Difficulty they composed the Sixth of april, and came to me for Ammunition which I delivered them.

Sunday the 7th april 1728 The Army marched from Tookabatcheys, the number of men I can't learn but as near as I can guess they made one hundred and fifty.

The same day I set out Tusahadgees where I found the Head men all at home. the 8th I talked to the Indians about the French being so cross with them, I told

told them not to mind them, that they knew better than to break out a Warr ag^st them.

Tuesday the 9th April I went to the Ottersseys & found that the head Warriour was gone after the army wth 23 men tho' he was ag^st it all the while the army was fitting out. The 10th I return'd to the Tookobatchys & found that Hobahadge was returned very sick & 50 Men with him the rest proceeded

Friday the 12th I rec^d a letter from the President by Thomas Jones dated the 27th March wch confirmed the news I had before from the Indians of Col. Palmers good success ag^st Augustine. The next day I set out for the Lower Creeks in order to meet Cherokee Leechee and the Tomohatleys at the Pallachocoles.

Munday the 15th I arrived at the Cowetaws where I was informed by Henry Carr that Cherokee Litchee and his people are come some to the Pallacho-oles & some to the Lower Towns, and that Mussgrove is returned from Augustine wth two Yamasees scalps only, they came to Augustine a Day or two after Col. Palmer left it, so cou'd do no good, but only met with some Scouts, wch followed Col: Palmer and Killed three of them, one sunk in the river, so they could not get his scalp.

I

I gave the following talk to Brims & Chigilee
I have recd a Letter from my King that Col. Palmer hath cut off a Town of the Yamasees & burnt Augustine Town, killed & took near 50 Indians, among wch was a Cowetaw fellow, wch Colo Palmer let go again, here Brims interrupted me, and asked why they did not Kill him? what did they let him go for? 'twas such as he that bred all the mischief. My King has ordered me to tell you he has now begun with them and if you have any friends down that way to send for them home or any others that will come away and leave the Spaniards may and will be good for he will never suffer his People to be killed as they have been.

According to my promise to you that when you stopt the Spanish path the English path would be opened to you, I have now ordered Miles Mackentosh to come with his goods into your Towns, that you may see we don't want to throw you quite away. To which they made no answer but they heard he was to settle in the Euchechees. I told them so he was.

Cowetaws April 15th 1728.

May it please your honr

I

I am just now arrived in this Town from whence I herewith send y^r hon^r a journal as above of my Transactions since my last. Henry Car whom I left here with Capt. Hicks who is now at Pallachola tells me that Cherokee Litchee and the Tomatleys are arrived or very near it in these Towns. The Gang of these People that went out to St Marks (as I formerly writ your honour) are some returned and have done nothing but taken 15 Horses from St Marks The People being all in the Fort. There is still 40 of them lying ag^st the Fort Sculking to get some of them out. The Emchechees have taken two Spaniards and one Scalp one of said Spaniards is sent down to Savana Town, with the two belonging to the Spanish Capt. Mr Hicks sent them by Indians and a Spanish letter all Directed to Maj^r Durham. The Spanish letter was sent here to the Spanish Capt.

I have engaged to the Indians for saving the Spaniards Lives a Cag of Rum each Spaniard and writ to Maj^r Durham to pay them, I desire to know if it's well.

Your hon^r perhaps will blame me for letting a Trader come down among these People before I had y^r orders for it, it's what I could not well help.

The

The French are deluding there People with a promise of Trade up the River & persuading them to leave us and go to them which they are almost ready to do thro' fear. I hope yr. honr. will keep the Cherokees off from them at this juncture for the French threaten them with the Chactaws In case the Cherokees will fall fowl of them they will fly to the French, they will not stand a blow.

If your honr. should give me leave to leave this Nation, I shall leave Mr. Wm. Tenant among the Upper People & Tho Wigan in the Lower Creeks they two being the only two that can give the Governmt. any acct. of the affairs here.

The bearer is to return to Thos. Wigan with such goods as he shall want. I desire yr. honr. will give him a Pmit for himself & another hand to pass Savana Town for that purpose.

Mr. Thos Jones informes me that his Horses are coming with goods to Trade here and that yr. honr. recommended him to one for a pmit to Trade. Yr. honr. phaps may think I have a Power to grant such, but do assure you I have not, I have no Power from the Commissr. but to Indorse ye. Lower Creeks Licences To Trade in the Upper Creeks. It is true I have taken

upon

upon me to put yᵉ Trade in a better Method than it has been, but I do it as acting for the good of the publick by my Comission as Agent.

I shall go tomorrow to the Pallachocolas to see Cherokee Leechee & his people and the Tomatleys & try if I can get them down to settle at the Pallachocolas on Savana River & shall urge Liquor to the same as yʳ honʳ orders me. The Euchees have promised me to move next fall, but could not get them to do it now.

The French are very still since my last to yʳ honʳ. I believe they will not attempt anything without they have a fairer prospect than they have had.

These people are more of them going out to try what they can get, but yʳ honʳ may take notice that the Cowetaws are not yet gone. The reason I suppose is that they may have an opportunity to make peace with the Spaniards again, which I believe they will do, if they have an opportunity, but I shall give them a strong talk (as they term it) to the contrary and tell them yʳ honʳ will have nothing to say to them if they do, nor suffer any of our people to come among them.

I don't see what I can do more here wᵗʰ these

People

People, the effectual way to keep them out with the Spaniards is to win old Brims to us, and continue the reward of a bag of Rum a head to save their Lives, they seem to be fond of it and say it is more than the Spaniards offered for killing us.

Colº Palmers success has intirely convinced these People that yr honr is now in earnest & believe Cherokee Leetchee thought it would be his turn next, I shall let you know further of him when I have talked to him and the Tomatleys.

The Tallapooses passed this place to Warr above a hundred men of them, & everything goes on well for our interest. The Euphaly Fellow they cant hear of as yet.

The French are endeavouring all they can to set the Cherokees on our Traders at their Nation & am afraid of them. But Hobahadgee has sent a Message to them telling them if they do he will be foul of them.

One of the two last Spaniards that was taken is here with Liquor, he is a boy and has hurt his foot, so that he cou'd not Travil down. I have nothing more to add but am

Your honrs most dutiful humble servt
Charlesworth Glover.

Sr

Sr. I am now at the 16th april, & since the above written to yr. honr. Mr. Hicks came here from the Pallachocolas and confirms what Carr has told me only Cherokee Litchee and the Tomatleys are not yet arrived but are expected in two Days, they having old people with them that cannot travell.

I formerly writ yr. honr. not to suffer any more Traders to come out, I understand there are several making ready to come, If they are allowed to come as many as used to do, the Trade will be good for nothing & will put the Indians in as great a Confusion as ever, I am very respectfully

Honr. Sr. Your Most Dutiful humble Servt.

Charlesworth Glover

Fort Moore March 30th 1728.

May it please yr. honr.

Thursday night came here Florance Mahony Express from Col. Glover with Letter for yr. honr. I have this morning dispatched him and I shall send one of my Men down as soon as I can find a horse to bring up your honr. answer here where a man of Col. Glover waits to carry it to the Nation. I am at a great loss to find a Horse at this juncture, but hope to find one this Day, and then shall immediately

send

sent down. The Chickesaws are all come home, and yesterday a Party set out agst the Yamasees, they talk of fitting out two parties more very soon, but rum is the only reason hinders them from serving the Country as they would and will be the ruin of this Garrison as well as of the Indians. I send your honr a Copy of a letter I recd from Mr Roche Trading at the Chickesaws, as for news there is none here. But the Meazles is brief both amongst the white people & Indians, but not mortal though it is in the Creeks. I have not further to trouble yor honr only that I am. Yr honrs most obedt humble St
For his Maj Service David Durham
To the honble Arther Middleton Esqr
Presidt & Commander in Chief in
& over his Maj Province of So Carolina
℘ Florance Mahoney

Fort Moore April the 4th 1728.
May it please yr honr
I recd yrs by Thos Jones the first of this Instant and next Day dispatched him to Col. Glover but was obliged to send the man that was to wait for your honrs answer with him, for want of a horse, I do assure yr honr it's impossible for me
to

to find horses here for the Publick Service for if they hear of any express they immediately send their horses out of the way. I have sent my man down to bring yr. honrs answer as Col. Glover desires me, but how to send it to the Creeks I know not. There is 20 Chickesaws gone agst. the Yamasees, and another party getting ready to follow which I shall forward as fast as I can, for I fully find they are very well inclined for mischief.

I beg the favour of your honr. to give me leave to come to the settlements, that I may lay the state of this Bluff before yr. honr., for without there is some method taken the Garrison must break up for it will not be in my power to prevent mis-chief being done, and only by the Punch Houses. The Meazles is brief here and also among the Indians but not mortal, I have sent all the amunition that was lodged here for the Indians long ago to Col. Glover but expected an order from yr. honr. to Deliver it. The Quantity is 150 lb of powder and 250 lb of Bullets. I beg yr. honr. to send me an Order for my security. I have nothing further to trouble your honr. with but am

Yr. honrs. Most obedt. humble St.
vant

For his Majtys Service. David Durham
To the honble Arthur Middleton Esqr
Presidt & Commander in Chief
in & over his Majtys Province
of South Carolina.

S. Carolina 24th May 1728
This is a true Copy from the
Original Examined
p Char. Hart Secty.

B. P. R. O. A + W. I. Vol. 18. p. 189.

* No. 4. (Inclosure to Presid.t of the Council's letter of June 13th 1728.)

South Carolina

George by the Grace of God of Great Brittain France and Ireland, King Defender of the Faith &c.

To John Palmer Esq.r Greeting

We reposing Especial Trust and Confidence in yo.r Loyalty Courage and good Conduct have constituted and appointed and by these Presents do Constitute and appoint you the said John Palmer to be Coll.o & Comand.r in Chief of all our Forces, Raised or to be Raised in our Province of South Carolina for Our Service in our Intended Expedition against Our Indian Enemy the Yamasees & others, their Confederates w.ch on Emergency is now undertaken by Our Commandr in Chief of Our said Province for ye Time being (not only by & with ye advice of Our Council agreeable to our Ninety Fifth Instruction to him but also by & with the Advice of Our Comons House of Assembly in our said Province) for Revenging of the several Murders and Robberies lately Comitted on our Good Subjects by the said Yamasees and others Our Indian Enemy on Our Southern

* No 3. being a Resolution of the House of Assembly dated Sept. 2d 1727. has not been Copied

Southern Frontiers of Our said Province & for preventing the like for the future You are therefore to take ye said Forces under your Care and Charge as their Collo & Comandr in Chief for the said Service and as well ye Officers as Soldiers to Train Muster Exercise and Instruct in ye Art of Warr and also to lead lead out and Improve them in our said Service and they are to Obey you as their Comandr in Chief and you are to Observe and follow all such Orders and Instructions as You from Time to Time shall receive from Us or Our Comandr in Chief of Our said Province for the Time being according to the Rules & Discipline of Warr in Pursuance of the Trust hereby Reposed in You. This Comicon to continue during Pleasure

Given at Our Council Chamber in Charles Town in Our Province aforesaid Under our Great Seal of Our said Province this ... day of ... In ye fourteenth Year of Our Reign Anoq Dom. 1727.
Witness Our Trusty and Welbeloved Arthur Middleton Esqr Presidt of Our Council & Comr in Chief of our said Province for the time being and V. Vice Admiral of ye Same

I approve of ye Form of ye above Comicon.
Benja Whitaker

Copia Test Wm Tunley Cl. Cou.

Ar: Middleton

(No. 5.) Inclosure to letter June 13th 1728.

South Carolina

George by the grace of God of Great Britain
France & Ireland King Defender of the
Faith &c.

To Capt. Thomas Mountjoy Greeting.

Whereas We have received a Certain Information
that there are several Rovers Infesting our Coast of
Our Province of South Carolina, and that they have
taken several Trading Vessels belonging to our
Loving Subjects bound to and from Our Province
We therefore Confiding in your Conduct Courage and
Loyalty Do hereby Commissionate and appoint You the
said Thomas Mountjoy Captain and Commander of
Our private Sloop of Warr called the Palmer To Guard
our Coast of our said Province. And you are hereby
Authorized and fully impowered to attack Take
Sink Burn and Destroy all Pirates Rovers or other
Enemies who you shall find Infesting or Committing
any Depredations on our said Coasts or lurking or
Cruising for that Purpose, And you are hereby
also Authorized and impowered To raise Train
and Muster a sufficient Number of Men on board
the said Sloop according to the Rules and Discipline
of

of Warr, and all Officers and other persons who shall Enlist themselves under your Command are hereby strictly Required and Commanded to give you due obedience, and you are to Observe and follow all such Orders and Instructions as you shall from time to time receive from us or our Commander in Chief of our said Province for the time being, and for your so doing this shall be your sufficient Warrant

Given under our Great Seal of our said Province This Fifth Day of September in the Fourteenth Year of our Reign Anno. Dom. 1727.

By His hon^rs Command
Charles Hart Secty.

Witness our Trusty and welbeloved Arthur Middleton Esqr. President of our Council and Commander in Chief of our said Province for the time being and Deputy Vice Admiral of the same

So Carolina

Ar: Middleton.

A true copy from the Original Examined this sixth day of June 1728.

Char. Hart Secty.

South

(Inclosure to Presidt. of Council's letter 13 June 1728.)

South Carolina

By the honble Arthur Middleton Esqr. Presidt.
and Commander in Chief of the said Province
for the time being and Deputy Vice Admiral
of the same

To Captain Thomas Mountjoy Commander of
the Sloop Palmer now under his Command
In the service of the said Province.

Whereas I have received sundry Informations on Oath of Divers Pirates or Rovers who have of late Infested Our Coast and seized and carried away sundry of our Ships & Vessels coming to or going from this Province to the entire discouragement of the Trade thereof, and thereupon have thought fit to Commission and impower you to take the said Sloop & her Company under your Command to Cruise on the Coast of this Province in order to clear the said Coasts from all such Rovers or Pirates and protect and Defend all ships and Vessels going from or coming to this Province. I have therefore thought fit for your better guidance therein to give you the following Instructions

You are to take care that your cruise be confined within

within the Latitude of Twenty nine & thirty six Degrees North and in Distance Eastward about one hundred Leagues and no further unless by Contrary Winds bad Weather or accidents you shall be driven further.

You are not to trouble or Molest any ships or vessels passing or repassing within your Cruise unless you shall have great cause of suspicion that they are Lurkers on our Coasts endeavouring to commit depredations and Hostilities on our Ships and Vessels and in such case you shall endeavour to speak with them, and if you find cause to suspect that they are not upon any Lawfull acct & not fairly Clear'd from some lawful port in order to Trade at another, or in case they shall have more strength of Hands than such Trade may require or admit of then and in such case you are to endeavour to bring them to this Province for their further examination and Trial.

If any Ship, Sloop or other vessel shall give you chase and let Stop or hinder your Cruise unless it be one of his Majesty's ships of Warr to whom you are to pay a due regard, you shall endeavour not only to defend yourself but also to subdue and enquire into the reasons of such their Procedure

&

& upon their producing any Commission from any Prince or Potentate you are not to take upon you to Determine the same to be lawful but all such Vessels you shall endeavour to bring into this Province in order to be examined and try'd, that so no persons under the pretence of Comissions commit such Piracies & Robberies.

You shall endeavour to compleat such Cruise before the Twenty Fifth day of October now next coming, Winds, Weather accidents and casualties of the seas permitting.

You shall with the utmost diligence and Care Execute this Trust with all possible Frugality and Conduct as well in regard to the Publick as those under your Charge.

Given under my hand and Seal this Ninth Day of September. In the year of our Lord God 1727 and in the Fourteenth year of his Maty's Reign.

Arthur Middleton

Memorandum. Signal for Sloop Palmer to make whenever she comes to Charlestown Barr, a White Flag at Masthead. 11th Sept. 1727 Recorded ꝑ

Char. Hart Secty

So Carolina

The above is a true copy from the Record in the Secretary's office of this Province in Books E. page 614. 615. Examined ꝑ Char. Hart Secty

No. 6. (Enclosure to President of Councils letter 13th June 1728.)
(23 Mar. 1727.)

Sr

I send you this by a Flagg of Truce to inform yor Excy that in the Month of August and September the Coasts of this Province (wch I have the Honr from my Royal Master ye King of Great Brittain to Comand.) were mightily Infested & several Depredations comitted and our Vessels taken away almost from our very Harbours, and it being a Time of Profound Peace (for anything I had recd to the Contrary) I could not otherwise conclude but the same was done by Piratts and Robbers and therefore fitted out an Armed Sloop to discover ye Truth thereof the Comandr of wch in his Cruise came up wth the Shipp Francis and Rebecca of London wch had been bound thither from Virginia (Loaden with Tobacco) but taken on that Coast by Don Antoneo Costoneo Jove, in the Sloop Antoneo fitted out from the Havana with Yor Excys Comicon.

What were yor Excys Motives or Power to give such a Comission I shall not take upon me to determine but the intent of it seems rather to defend yor Own Coasts then to annoy anothers and I can't so much doubt

181

doubt of Yor Excy zeal for the Honr of Yor Royal Master & Nation but you will call the Agressor to Account if any hath exceeded Yor Comiƒsion and Instructions.

As to ye Comiƒsion and Instructions I issued, they were for Our Defence to wch I was Impowered by my Royal Master and called to it by the Law of Nature & Nations and had I receid from my Royal Master any Comands or Liberty to have acted offencively I should have endeavoured to have payd Yor Excy a Suitable Compliment.

But as it is I send You by this Conveyance Capt Nicholas Gazzia and his Crew (the Subjects of Yor Royal Master) wch were putt on board the Ship Francis and Rebecca by Capt Dn Antonea Costonea to have Navigated her to ye Havana if they had succeeded I have treated them with all Civility due and proper for them and I hope ye same from you whenever there shall be the like occasion & expect Yor Excy Receipt for the said Capt Nicholas and his Crew on the return of this Vessell wch I hope will receive a Suitable Treatment and Dispatch.

I have little or no European News to Trouble Yor Excy with, only by Private Letters we are assured that

that the Articles of Treaty and Pacification between the two Crowns of Great Britain and Spain are at last signed on both parts and I hope that in that Treaty wee shall have some good Article to promote a Trade of Good understanding between the subjects of both Crowns in these Parts.

I have nothing more to add but to wish yo.r Exc.cy Health Peace Prosperity and many Days and am

May it please Yo.r Exc.y

Charles Town
23.rd of March 1727.

Yo.r Exc.cys
Affectionate Faithfull Friend
& most humble Serv.t
Ar: Middleton.

To His Exc.y D.n Dionisio Martinez de la Vega
Gov.r & Comand.r in Chief or to y.e Comand.r
in Chief of the Havana for y.e time being

No 7 (Inclosure to Presidt of the Council's letter 13th June 1728.)

Dr Sir,

I answer to yr honrs letter dated the 23rd of last month which I received by the vessel, which brought Captn Nicholas Garzia and his vessels Company I must own myself highly obliged to yr honr and am well pleased with your prudent & Civil Proceed-ings desiring an Oppertunity to assure you of my earnest desire to Answer and make due return of those obliging expressions of Friendship with which you are pleased to favour me.

The going out of this Port some vessels wth letters of Mark could not be such unexpected news, as yr Honr seems to mention in said Letter more espec-ially considering that yr honr could not unacquain-ted of the proceedings and hostilities done & comitted on these Coasts by the Squadron of Vice Adml Hosier ever since the beginning of April of the fore-going year, As well as those of a Sloop fitted out from Jamaica which Cruized off the Cape of San Antonio making prizes of several vessels belonging to ye Subjects of the King my Master, and if this be permitted to be Done by the meanest of his Britannick Majesties Subjects being in perfect peace

peace as Yr Honr Suposes (however without any Entring into other proceedings which has been practised in these seas) I assure Yr honr that I can't comprehend any reason or Security of Friendship, that carrys with them such Demonstrations And Yr Honr can have no just Cause to Disapprove Our true Motives of resentment of such proceedings, Relying upon the Orders Yr Honr may have from Yr Sovereign.

I wish myself Deserving of those kind expressions intimated in Yr Honrs letter And I do assure you I very much desire to see a Conclusion of the Articles depending the two Crowns, that there may be a Mutual and Amicable Correspondencey between Ye Subjects of both Monarchs, so that I may have the more frequent Oppertunities in serving Yr Honr

The Repetition of the News from Florida more mistrustfull then what Yr Honr seems to express upon the Account of the Affairs of Europe has obliged me to detain the vessell much longer time then my inclination led me to. And tho', as yet I have no positive reason of the Contrary, But a ship from the Island of Canaries being arrived in

this

this Port, and the Capt. Acquainting me that the
Comunication In Cadiz was currant between
the Subjects of the two Crowns, I have Determined
on her proceeding with the prisoners that are here
And notwithstanding part of them do not lye under
my inspection they coming here Voluntarily,
and some others according to the Laws of Our
nation I should send to Cadiz. but that yr. Honr.
may know my Sincere intentions are to Comply
with what you earnestly desired of me, I send
them all, by this Vessell, Assuring yr. Honr. that
I shall be alway ready to Do you all the good
services that lyes in my power. And to your
Service I repeat my sincere affection and
Desire that God may preserve yr. honr. many
years. Havana 25th May 1728

I Kiss yr. Honrs. hands being
yr. most Obedt. & Obl. Servt.
Dn. Dionisio Martz. de la Vega

Dear

(Inclosure to Presid.t of Council's letter 13 June 1728)

Dear Sir,

After the Sloop had got ready to saile, the Capt
whereof will put this into y.r Hon.rs hands, She has been
detained twice, occasioned by Advices from the fort of
Apalache of it's being beseiged by the Indians and
English of y.r Government. Good motives and reasons
sufficient to detain said Sloop, till that affair
was got over by considering the strangeness of the
action, and the Circumstances of y.r Hon.rs proceedings
and if the ill consequences that might attend in
Delaying y.e Officers and other men that are here prisoners
I have resolved to let them Depart, Relying upon
the Desire y.r Hon.r expresses to have to keep a Corres
pondency.

Promising myself, that y.r Hon.r will give necessary
Orders for the said Indians to retire supposing that
Motion did not directly proceed from y.r Hon.r to
whose Service I repeat my Sincere affection & Desire
that God may preserve you many years

I Kiss y.r Hon.rs hand being y.r
most obed.t & obl.d Serv.t
D.n Dionisio Martinez de la Vega

No. 8. (Inclosure to Presidt. of Councils letter June 13. 1728)

Charlestown March the 27th. 1728.

Honble. Sr.

I thought it proper to give you an acct. of several Hostilitys that the Govr. of St. Augustine had suffered and encouraged to be done by a Nation of Indians call'd the Yamasees, who had several Spaniards joyn'd with them, they came and fell on our Frontier Plan-tations killed several people burning their houses and carrying away several Women and Children Prisoners, this they did three or four times, then the Govr. of St. Augustine sent our Govr. a very impudent sawcy Letter with a Message by the Prisoners to know if he was asleep that he suffered his Frontier plantations to be cut off, and his people carry'd away Prisoners by Indians I was in company with the Govr. when this Message was Delivered him on which he smiled and gave orders immediately to one Coll. Palmer to raise one hundred white men and one hundred Indians and go to St. Augustine, and to fall on the Yamasees to revenge the Injurys they had done this Province. This expedition was soon put on Foot, and Colo. Palmer went away with only seventy Nine white and Ninty Odd Indians and instead of our Govr. being asleep they found the Govr. of

St.

St Augustine so; For our little army marched in the Night within half a mile of the Castle and about an hour before day they advanced to the Walls, and finding the Yamasee Town was about a Quarter of a Mile below it, then they March'd there, and soon made themselves Masters of it Killing thirty Men dead, wounded several More and took fifteen Prisoners and brought them away. Notwithstanding the Gov.r seeing our People Killing and taking their Indians they had not courage to come out of their Da—d Stone Doublet to protect them, but the Gov.r sent out such a submissive Letter to Col.o Palmer, that I think was below the Dignity of the meanest Gov.r to sign, on which Col. Palmer sent the Gov.r word immediately to send him out six horsemen to get up some Cattle and Kill them for his people, which was readily complyed with. Our army stay'd three Days, and laid their Indian Town in ashes then came away; There was not a man Kill'd on our side, only two Indians wounded so that we have now Ballanc'd acc.ts with them and it's my opinion that they never will come near us more. No doubt but the Gov.r of St Augustine will represent this action in the worst Colours he can, to have an Army of men sent into his

Governm.t

Government when there is no Warr, But I do assure you Sr. Colo. Palmer had positive Orders not to hurt or meddle with one Spaniard only to find out the Indians belonging to the Yamasee Nation, and to take satisfaction of them for the Injury they had done us, The Govr. might have been taken asleep, then the Castle or a Large ransom might have been demanded or him, but our Army had no business to take him or any of his Soldiers; In the fray with the Indians there was a Priest wounded by accident, which I was sorry to hear of, he ought to lament his misfortune with the English Provert, he was found among Bad Company.

The above is Copy of my Letter sent to Nargent Nicholson Esqr. Factor to the Royal Assiento Compa. in the Havana.

Havanna May 14. 1728.

Honble. Sr.

I was glad to see a Narrative of your proceedings at St. Augustine, which was much Multiplyed here, but since your acct. hath arrived two pacquets from the Govr. of Florida, what they may contain can't say, but what is made Publick differs but little from yours only somewhat more favourable in defence

defence of his own and Garrison's valour, but nevertheless he's privately condemn'd as the agressor by all the impartial officers here, and the Franciscan Friars have been a long time expecting such Reward to the Provocations which they have some of them been Eye Witnesses to while at Florida and tho' none confess this before me, yet none speak thereof, so from their Silence 'tis evident they want matter of clamour for if 'twas but a bare Colour thereto they would not fail to Expatiate in Terms that would render it serviceable to the ends where every scrip of Injury is rested against the English Interest, but as they don't lay hold on this Action for said purpose, is proof that will not bear it.

P.S. I am now at the 25 Instant occasioned by the arrival of some Letters from St Joseph in Palache advising that several Indian Nations and even the Yamasees had risen against the Spaniards & headed by English which, which tho' without having the least colour of truth serv'd to put off Capt. Birchal's going till one of our Privateers could be sent to Florida and inform us if said place were beiseged or not, however the Delay is anticipated by the Arrival of a Canary Ship which brings us the agreeable news of all matters being

being accomodated Conforme to the Truce, and that we have coming Aerio^s with Cedula^s for restitution which has influenced our Minister to dispatch the vessel, I heartily Congratulate you on this good news, and am

Sr Your most humble Servt
Wargent Nicholson

Charles Town June the 1st 1728.

May it please your Honour,

I send you Copy of my Letter which I wrote to the Factor of the Havana wch was to give him an acct of the reason for our sending Col^o Palmer with a party of Men to take satisfaction of the Yamasees Indians for the injuries they had done us, which Letter hath produced of good Effect to us, for before my Letter arriv'd the Govr of St Augustine had advised the Govr of the Havannah that we had invaded him with Eight thousand Men, and how manfully he had defended himself against them, but when my Letter arriv'd the Factor got it Translated into Spanish and laid it before the Governour and Council to let him know the reason for our sending there, and when the Letter was Publickly read the Governour made answer

192

answer it was a just reward for the Provocation the Govr of St Augustine had given us, and several of their principal Officers said it was like his practical doing, and that it was no more than Justice done, and that he must answer it to the King his Master, he being the first agressor. I have also sent your hon^r Copy of the Factors letter to me on this subject, which I hope will be satisfactory to you, I have talked with Capt. Burchal and several Men which came in the Sloop, they all agree that y^r Hon^r was not so much as blamed for this action, but all lay the fault to the Govr of St Augustine.

Inclosed is a Memorandum which Lieut. Foster gave me for several Particulars wanting at the Savano Garrison, which if your hon^r please to give orders for I will send as many of them as I can get, there being now several Pettyangers going up. I am with due respect

your honours

Most faithfull and most obed^t

humble Servt

Alexand^r Parris.

No. 9. (Inclosure to Presid.t of Council's Letter June 13. 1728.)

A Copy of the 95th Article of his Majtys Royll Instructions to the Govr of South Carolina Dated September 20th 1728.

If anything shall happen yt may be of Advantage & Security to his Matys said Province which is not herein or by yor Comicon provided for. His Majty does hereby allow unto you wth the advice & Consent of ye Councill to take order for ye Present therein, giving to his Majty by one of his Principal Secretary's of State & to his aforesaid Comicon.rs for Trade & Plantations speedy notice thereof that so you may receive his Matys Rattification if he shall approve of the same. Provided always that you do not by Collour of any Power or Authority here by given you Comence or declare Warr without his Matys knowledge and Particular Comand therein Except it be against Indians upon Emergencys wherein the consent of His Matys Council shall be had & speedy notice given thereof unto his Maty as aforesaid.

A True Copy from what are lodged in the Council Office Test Wm Tunley Cl. Cou.

No. 10. (Enclosure to Presidt. of Council's letter 13 June 1728.)
(1 May 1728.)

South Carolina

A just and true Muster Roll and acct. of the Officers and Men late in the service of this Province in the Expedition agst. the Yamasees under the Command of Colo. Jno. Palmer and of the Companies Commanded by Capt. John Hunt and Capt Wm. Peter, May the 1st. 1728.

Capt. Hunt's Company.

John Hunt Captain
James Lardent Lieut.
Jonathan Bryan Ensign
James Welch Lieut of the Indians
William Green Doctor
Jonathan Clark } Serjeants.
William Holman }
James Reed
William Methen
John Prestoe
John Mc Neal.
John Mc Farley
John Godfrey
Lewis Morgan.
Richard Ward
Joseph Coaster.
Andrew Mc elroy
James Ballneaves.
James Tarbit
Zebulon Grey
Thomas Lewis
George Griffin
Simon Cullin
John Neal
Nathl. Starling
Henry Perry
John Credock
Jacob Brunston

Thomas

Thomas Hamand.	Robert Barber.
John Mead.	Timothy Rairdin.
Thomas Farley.	Samuel Stocks.
Nicholas Jero.	William Wormleston.
Richard Wilkins.	Thomas Winthrip.
John Blackburn.	Thomas Brown.
Peter Quackley	Abram Deluke.
William Ferguson	Mark Morgan.
Daniel Savage	John Bissett.
William Stevens.	Morgan Ellace
Andrew Patterson.	Moses Hawks
Titus Patterson	John Hunt Junr.

Errors Excepted May the 1st 1728. John Hunt.

Capt. Peter's Company

William Peter Capt.	Evin Howel
William Harden Lieut.	George Waterman
Thomas Johnson Ensign	John Gourdon
Alexander McQuean } Serjeants	Elihu Baker
William Street } Serjeants	Richard Purcell
Ralph Bylow Drummer	John Jackson.
Magnus Brookes	John Newman.
Alexander Long	Edmon Ellis.
Aaron Kippon.	Thomas Drummon.

John Unckle
Ayshop Forrester.
Edward Frampton
James Carr.
Hunts Beck.
Thomas Butler.
Joseph Lewis.
Jack Smallwood.
Peter Poshire
Wm Gowin.
John Jourdine.
Henry Harris.
Saml Sheppard
John Francis.
Archibd Mc Michael.
Peter Grey.
Thos Arthur
John Cammel
Richard Betteson.
Joshua Harrison.

David Alexander.
John Coleman.
Thos Melvine
Joseph Bacon.
Charles Britt.
Thomas Murrel.
Wm Williams.
James Bisgey.
John Ellis.
Matthew Jenkins.
Christopher Jenks
Alexander Melvin.
Prince the Drummer
John Isaac.
Thomas Seabrooke.
Theophilus Hastings.
Richard Handcock
Nathaniel Rogers
Adonijah Stanberry.

Errors Excepted May the 1st 1728
William Peter.

The above is a true Copy of the Muster Roll return'd me
A. Parris. Comissary

B. P. R. O. A + W. I. Vol. 18. p. 199.

Charles Town in So Carolina

1st Octr 1728.

My Lord.

Pray permit an old + Loyal servant to ye late + present King, + one that by his zeal + Application during ye Rebellion anno 1715, had often occasion to attend your Lordship at that time to take this method of applying himself to your Lordship. I was then Secretary to ye Post Office, under my Lord Cornwallis and Mr Craggs, but for Nine years past have resided in this Countrey, because of ill Fortune I met with in ye Stocks.

The Favour I humbly begg of your Lordship is, to appoint me First of the Kings Councill here, or to Favour me with a Commission to be Lieut. Governour without any Salary; what I propose by it is, a little Power + perhaps a little Profit, during the absence of a Governor, if it happens.

I have been in ye service of ye Crown for 27 years continually and ever firmly in the Interest of the present happy Succession. I have been a Member in ye severall assemblys of this Province for Eight years together + was sent to England Agent for ye Countrey so that I may without vanity say, I am as well acquainted

Rt Honble my Lord Townshend

acquainted with the Publick affairs as any man that is in it. I live as Comfortably + in as much Credit as any one, and have always had, + now continue to have, as much Regard to what I offerr in Our little Senate, as any one Member.

Many inconveniences have happened by ye First in ye Councill taking ye Administration upon ye decease or absence of a Governour in these parts, for they happen very often to be too little acquainted with ye affairs of ye World for such Employmts as is ye case of our present President, + they seldom happen to known to One of the King's Ministers of State, I humbly pray for your Lordship's Prosperity, and Beseeching Your Lordship, to Favour me with your Patronage Begg leave to subscribe myself

My Lord

Your Lordship's Most

Dutyfull + Most Obedt Servt

John Lloyd.

B.P.R.O. A & W.I. Vol. 18. p. 200.

(1 Oct. 1728.)

Extract of a Letter from Captain Warren Commander of his Majesty's ship Solebay dated at S. Carolina the 1st of October 1728, to Josiah Burchett Esqr.

You will please to acquaint their Lordships that pursuant to Commadore St Loe's orders I sailed the 10th of June from Port Royal and the 3rd July anchored at La Vera Cruz from whence I sent the King of Spain's Orders to his Vice Roy at Mexico, the receipt of which he owned by the return of the Post, assuring me he had given directions to the proper Officers to use all possible diligence and dispatch in the restitution of the South Sea Company's ships and Effects which had been seized in that port; Agreeable to which the 20th of July the Prince Frederick and two of the Companys Snows were put in possession of their agents there, in taking which I assisted them in the best manner I could 'till was disabled by sickness, having buried Twenty men, and the greatest part of my Company sick, the 12th of August the Supercargoes were desired to begin to receive the Cargo of the Prince Frederick, the 18th I sailed having left a Spanish Rear Admiral and four sail of Fifty Gun Ships in the

Port

Port, who arrived here from Cadiz and are bound to the Havanna to joyn the Galleons; the 9th of Septemb^r I arrived off the Havanna where I sent my boat a-shore for what English Prisoners might be there, and to know how the Governor had proceeded about the Restitution, at the return of the Boat there came Nine Prisoners; the South Sea Company's Factor told me by Letter that he had made application to the Govern-or for a Restitution, which he had denyed; assuring him he had no Orders about it and that the Pre-liminaries only mentioned the Restitution of the Prince Frederick and Cargo, therefore could make no Restitu-tion without a particular Order from the King of Spain. They expect the Galleons at the Havanna by the middle of October where they are to make up their Fleet from Spain, I have sent home by this occasion some of the South Sea Directors Publick Letters which will let them into the State of all their Affairs, and keep others least those should miscarry; I have no more to add but that 'tis said there are great Quantities of Stores come from Spain for building Fifteen ships from 50. to 70 Guns.

B.P.R.O. A & W.I. Vol. 18. p.201.

May it please your Grace.
I humbly hope I shall obtain your
Graces Pardon for the Presumption of this Address from
the Importance of the Occasion.
I have the Honour to execute the Office of
his Majesties Attorney Generall in the Province of South
Carolina & have therefore thought it my Duty to
acquaint your Grace with the Facts which Com-
-pose the Articles I have taken the Liberty to lay
before you of which I can produce the most full
and Authentick Proofs if I was enabled by an Order
to examine Persons and send for Papers.
I need not represent to your Grace the
Dreadfull Events that his Majesties Subjects in Carolina
have to fear from a state of Anarchy and Confusion
to which they are now very near reduced & how
unable they are to defend themselves agt. the Enemies
that Surround them.
Tis these considerations that have made me
Guilty of this Presumption But I beseech your Grace
to vouchsafe me a favourable Opinion of my Intentions
and that I may have the Honour to assure your Grace
That

that I am with greatest Attention and respect.
Your Grace's most obedient & most
Devoted Servt.
Benja. Whitaker.

The Inclosure "Articles relating to the Conduct "of Arthur Middleton Esqr. President of the Province "of South Carolina". has already been copied.

B. P. R. O. A & W. I. Vol. 18. p. 203.

24 Nov. 1729

Sir,

I am informed the Governor of South Carolina was named last Saturday, & that as His Grace of Newcastle is out of Town the Vacant offices there will be filled up by My Lord Townshend, His Grace made me a sort of Promise of a small Post for Mr. John Montgomery a Particular Friend of mine, therefore I must beg the favour of You if my Lord proceeds in filling them up you will be so kind to put him in Mind of his Graces Promise to me, these are none but trifling one's vacant, not one above 50£ p Ann. Inclosed you have a list thereof. I desire you will pardon the trouble I give you in this affair

being Sr.

London 24 Nov. 1729. Yr. Most Obedient

Humble Servant

Charles Delafay Esqr. Nat. Gould.

B. P. R. O. South Carolina B. T. vol 3

C 27

5 Septr 1728

To the Right Honorable the Lords Comm^rs for Trade and Plantations

The Memorial of Thomas Missing of Portsmouth Esqr

Humbly Sheweth

That your Memorialist observing by the public prints that His Majesty hath purchased both the Carolina's he humbly presumes that it is the design of the Government to strengthen and secure the southern frontiers of america

Therefore beggs leave to signify to your Lord^ps that he believes it would be a great security and advantage to encourage the protestant palatines to go thither and as he has a correspondence that way and hath with reputation carried over a great many to America. he is willing to add his endeavors whenever he can serve the Govern^t interest

On the Governments encouragement he will forme a method and engage to deliver yearly such a number of them as His Majesty shall appoint to be carried over and also victual them for such a time after they are arrived till they shall be settled so as to support themselves

Rec^d }
Read } 10 Septr 1728.

B. P. R. O. South Carolina B. T. vol 3

C. 28

13 November 1728

May it please your Lordships

I humbly hope I shall obtain your Lordships pardon for the presumption of this Address from the importance of the occasion

I have the honor to execute the Office of His Majesty's Attorney Gene^ll in the province of South Carolina And have therefore thought it my duty to acquaint your Lordships with the facts which compose the Articles I have taken the Liberty to lay before you of which I can produce the most full and authentic proofs If I was enabled by an order to examine persons and send for papers I need not represent to your Lordships the dreadful events that His Majesties Subjects in Carolina have to fear from a state of Anarchy and Confusion to which they are now very near Reduced and how unable they are to defend themselves against the Enemies that surround them Whilst they are under a Government so Languishing Unsteady and supine

Tis these considerations only that have made me Guilty of this presumption but I beseech your Lordships to vouchsafe me a favorable opinion of my Intentions And that I may have the honor to assure your Lordships that I am with the greatest attention and respect your Lordships

Most humble and most obedient Servant

Benjamin Whitaker

November the 13th 1728

Rec^d
Read } 19 November 1728

B. P. R. O. South Carolina (BT) Vol 25 p. 239.

10 Sept 1728.

To Thos Missing Esq — Mr Thos Lowndes.

Sir,

Having laid your Mem^l dated ye 5th Inst, Letter of yesterdays Date before my Lords Com^rs for Trade & Plantations, Their Lordsps command me to acquaint you that they think the Settlement of a Number of Palatine Families in South Carolina will not only Speedily render that Province of great Advantage to this Kingdom, but will also make it of great consequence to His Majesty's other Plantations in America, by strengthening in so effectual a manner their Southern Frontier. But as you observe to their Lordsps, that proper Encouragement should be given to these Palatins, and that you can form a method of sending over Such a number of them yearly as His Majesty shall appoint, & also victual them for Such time after they are arrived, till they shall be settled, so as to support themselves. I am commanded to desire you will let their Lordsps have your opinion, as soon as possible what encouragement you think will be sufficient, to induce a sufficient number of Families to settle there, And what your proposed method is. I am,

Sir,

Your

The words underlined were not sent to Mr Lowndes

Your most humble Servant,
Alured Popple.

Whitehall.
10 Sept. 1728.

B P.R.O. South Carolina B.T. vol 3

C45 23 Sept 1728

To the Rt. Honble The Lords Commrs for Trade and plantations

The Memorial of Thomas Missing of Portsmouth Esq

Humbly Sheweth

That in obedience to your Lordships commands of the 10th inst for him to propose a method to carry over a number of protestant palatines yearly to settle in South Carolina

Your Memorialist prays (in order for him to be as full as possible) that your Lordships will be pleased to signify His Majestys pleasure herein to say

What number of persons should be sent yearly

Whether all persons being protestants from any part of Europe may not be entitled to the same encouragement

And likewise what Franchises Lands &c they shall be entitled to at their arrival

On your Lordships ascertaining these he will (if permitted) lay before your Honble Board a proper Tender for Transporting them on the easiest Terms, and also furnish them with a suitable proportion of provisions in the Country for such time as shall be thought needful

Your Memorialist will also by His agents in Holland &c encourage as many as he can to go over on such terms

And your Lordships may be assured that he will perform the same

209

the same with the utmost exactness and regard to His Majesty and the Nation's interest

Portsmouth 23 September 1728

Rec 27 September 1728 }
Read 16 July 1729 }

B.P.R.O. South Carolina B.T. vol 3

C47

Wednesday Sept 25th 1728

Sir

I had answered the Question you do me the honor to propose much sooner had I had it agreeable to its date and had not ill health since prevented me

I humbly conceive the properest method to induce the palatines to go to South Carolina will be for the publick to bear the charge for the Transportation of Two or Three hundred Familys at first and to furnish them with provisions for the first year and to allot 120 Acres of Land either upon Savannah or Port Royal River to every man and his Wife and 40 Acres for every Child or White Servant that they shall have at the time of their Landing in South Carolina. For the first two Years to let them pay no Quit Rent at all. and for six succeeding Years to let them pay a very small acknowledgmt. as 1lb of Hemp or an Ounce of Raw Silk for every Allotment of Land and then for ever after to pay 2d. Sterling per Acre yearly or the value thereof in Merchantable Naval Commodities to be delivered to His Majestys Receiver General at the Town of Port Royal

By this means the value of the Crowns uncultivated land will be raised and the publick be paid good Interest for its disbursement and the Inconveniency of having rich planters take up great Tracts of Land as they have in other parts of America and so without any culture let it out to new Settlers at a very advanced Rate will be for the future entirely prevented For tho the Crown has only 2sh. or 2sh. 6d. yearly per hundred

Acres

Nevis in Virginia yet there is not a Rich Planter who will let any near a
for less than 7^{d} or 8^{d} per Acre by the Year. And the same thing (within the
Settlement) is practised in South Carolina which has been a great discoura-
gement in peopling the Province. In which place a diligent and provident
planter very near defrays the expence of clearing the Land by due Mana-
gement of the Timber and Wood felled and grubbed up. Hence Barbados
Nevis and Antegoa are furnished with fuel and for many years last past
a considerable Lumber Trade has from hence been carried on to Jamaica
and Great Britain

But I beg leave to observe that a Planter in Carolina requires a
greater compass of Land than one in any other part of America. For the
Land that produces Rice must always have two years rest after a crop
and Hemp and Flax (which are products of the Palatinate) must have
a good deal of fresh Land

I humbly presume the only difficulty there can be in this Affair will
be (considering the present frugality of the Treasury) how to furnish the
Money necessary to pay the Transport of the Palatines without burthening
the Public Establishment or if recourse be had to Parliament for part
of the Expence which way to reimburse the Public. which I am pretty
sure I can shew a way to do if the Lords Comm^{rs} for Trade will procure
me a promise from the Treasury that I shall have a Competent gratification
for that and for my having served the Public now almost four years
It is well known I was (by many Months) the first person that
shewed a Great Man in the Administration of what Importance

I would

should be to block up the Spanish navigation from Port Royal in South Carolina: which I did to return the Affront the British nation had just then received in relation to Gibraltar and what my services have since been My Lord Westmoreland I doubt not will certify

I beg the Lords Comm.^rs to keep the direction of the affair as much as possible in their own hands by reminding their Lordships of Mr Hunters conduct towards those palatines who in the late Queens time should have been settled in the Province of New York. I am Sir

Your most obed.^t humble Servant

Thos: Lowndes

P.S. Mr Nicholson kept me out of my Legal Right

Rec.^d 27 Sept 1728
Read 16 July 1729

B. P. R. O. South Carolina B. T. vol 3

C. 46 29 Oct. 1728

To Allured Popple Esq.

Sir

I intended to have waited on you this day with the Inclosed memorial but am hindered by an indisposition

I begg you will be so good as to lay it before their Lordships by the encouragement we now have from abroad we could engage for almost any number of people and as those we transported to Pensilvania were so well used in their passage that they have wrote to their friends always to prefer Mr. Missing's ships. there is no doubt but we shall find it an easy matter to supply that Colony with as many of those people as the Government shall think fit on reasonable terms

I remain with all respect Sir

Coleman Street Your obed.t humble Servant

29 Oct 1728 Benj.n De La Fontaine

(Inclosure)

To the Right Hon.ble The Lords Comm.rs for Trade and Plantations

The Memorial of Thomas Missing of Portsmouth

Humbly Sheweth

That since your Lordships were pleased to treat with him on the head of transporting a number of Protestant Palatine familys to South Carolina He hath made it his Business by his agents in Holland to

214

to encourage them to that purpose And that he now hath assurances from thence that very great numbers are willing to be Transported by him thither as soon as the Encouragement to be given them is fixed

He therefore humbly prays Yor Lordships to signify His Majestys pleasure as to the number to be transported and the encouragement to be given as it will be necessary that these people have some little time to sell off what Lands or moveables they have before their coming down to be shipt off which they will be ready for in April or May next

October 29th 1728

Recd 28 Oct 1728
Read 16 July 1729

B.P.R.O. A & W. I. Vol. 621.

To the Kings most Excellent Majesty
The Memorial of Robert Johnston Esqr.

Humbly Sheweth

That South Carolina being a Frontier Province is lyable to be Invaded as well by the Spaniards as by Indians of different Nations.

That the said Province having been till lately under the Government of Lords Proprietors and not Supplyed by them with the necessary Amunition and stores is in the most defenceless condition.

That upon a Representation that Twenty eighteen Pounders, Forty twelve Pounders and twelve Sackers with Ball in proportion and Five hundred Musketts with Swords and Pistolls were necessary to be sent to the said Province for it's better Security and Defence Your Majesty was graciously pleased to refer the same to the Board of Ordnance.

That the said Board having taken the same into consideration have not made any objection to the reasonableness of the said Representation however they computed that the said Amunition and Stores will amount to Five Thousand One hundred and nineteen

Nineteen pounds one Shilling, But at the same time Rep-
-resent that they have not any money Ordered for such
Service.

Your Memorialist hereupon begs leave humbly
to Observe, that upon a late application for Stores for
the Bahama Islands, and a like Report from the Board
of Ordnance thereupon His Majesty was pleased by his
order in Council of the 26th of September 1728 to order
that the Stores so wanted, should be sent to the said
Islands as soon as conveniently might be, and that
the Expence thereof should be made an Article in the
next Estimate to be laid before the Parliament (a Copy
of which Order is hereto annexed.

In regard whereto, and that as this Province
is of much greater consequence to the Crown than the
said Bahama Islands, Your Memorialist humbly prays
that Your Majesty will be pleased to Direct that a like
Order or Warrant may be issued to the Board of Ord-
-nance, for the imediate Supply of the aforesaid
Amunition and Stores for the Province of South Carolina.

at

At the Court at Windsor
the 26th day of September 1728.
Present
The Kings most Excellt Majesty in Councill.

Whereas there was this day presented to His Majesty at this Board, a Report from the Lieutenant Generall and principall Officers of His Majesty's Board of Ordnance together with a List of Stores necessary for the Security and Defence of the Bahama Islands, and an Estimate thereof prepared by the said Board Amounting to £3802: 7s: 2½d. His Majesty took the same into his Royall Consideration and was pleased with the Advice of His Privy Councill, to approve of the said List and Estimate. And in regard to the great consequence of the said Islands, by their Scituation, to the Crown of Great Britain, and to the Trade and Navigation of His Majestys Subjects. His Majesty doth hereby Order, that the Stores contained in the said List, which is hereunto annexed be sent to the said Islands as soon as conveniently may be:- And His Majesty is hereby pleased further to Order, That the Expence thereof, be made an Article in the next Estimate that shall be prepared by the said Board of Ordnance to be laid before the Parliament.- And the

the Master Generall and Principall Officers of the said Board, are to give the necessary Directions herein accordingly.

B. P. R. O. South Carolina B. T. Vol 3

C. 29 rec^d 13 November 1728

Articles relating to the conduct of Arthur Middleton Esqr president of the Province of South Carolina

1. That on the departure of Francis Nicholson Esq late Governor the said Mr Middleton as eldest Councillor took upon him the Administration of the Government of South Carolina pursuant to His Majesty's Commission and Instructions But neglected to take the Oaths for the Observation of the Acts of Trade enjoined by the Statute of the 7th and 8th of King William the Third under the Penalty of One thousand pounds sterling Whereby His Majesty's Revenue arising from the Customs hath greatly suffered and several illegal Traders escap'd with Impunity.

2. That the said Mr Middleton in a few months after he had entered on the Administration of the Government of South Carolina sold several Offices relating to the Administration of Justice and used many indirect Artifices to extort money from the Purchasers

3. That the said Mr Middleton contrary to the express Orders of His Late Majesty issued the Sume of £30000 in paper Bills of Credit (which by Law ought to have been sunk) whereby the value of the said Bills are greatly lessened and the Trading people of Great Britain much Injured

4. That the said Mr Middleton to the grief and disappointment of all his Majesty's Good subjects in South Carolina wilfully and on purpose delayed proclaiming His Majesty's happy Accession to the Throne fourteen days after he had received Orders for that purpose

5

5. That when His Majesty's Council in the month of June 1727 had directed Warrants to the Provost Marshall to apprehend several Riotous persons (who had come armed to Charles Town) the seat of Government and had intruded with pistols into the Council Chamber and delivered a seditious Representation The said Mr Middleton privately and without the advice or consent of His Majesty's Council order'd the Provost Marshall to stop the execution of the Warrants
6. That when the Honoble Alexander Skeen Esqr one of the Members of His Majesty's Council had committed to prison one Thomas Smith for assembling together several Armed persons in a Riotous Tumultuous and unlawful manner and confederating with his Father Landgrave Thomas Smith by force of Arms to wrest the Government out of the hands of the said Mr Middleton He the said Mr Middleton ordered the said Thomas Smith to be discharged without hearing In pursuance of a promise he made to an Assembly of about 200 Rioters with whom he so far prostituted the dignity of Government and His Majesty's Authority Intrusted to him, as to Treat capitulate and make Terms notwithstanding there was two of His Majesty's Ships of War, His Majesty's Independent Company of Foot, all his Majesty's Officers in the Government and many other Good subjects who offered and were ready to assist him on the Insurrection of the Rioters
7. That the said Mr Middleton when proof was made before him in Council that a Number of armed men were assembled together with their Faces blacked and disguised in order to kill the Provost Marshall who had Warrants against them for Levying the public Taxes raised for the support of his Majesty's Government he the said Mr Middleton, ordered the Treasurer

to

to withdraw the Warrants against the said Persons and to suffer them to be executed

8. That the said Mr. Middleton hath committed divers other Acts highly injurious to His Majesty's Prerogative and tending to the Lessening the Authority of His Government in manifest breach of the Trust reposed in him.

Recd.} 13 November 1728
Read }

B. P. R. O. South Carolina (B.T.) Vol. 25. p. 241.

20th Novemr 1728.

To. Ben: Whitaker Esqr
Attorny Genl of South Carolina.

Sir,

My Lords Commissioners for Trade and Plantations having received a Letter from you, with some Articles in relation to the Conduct of Mr Middleton, President of the Council of South Carolina, command me to acquaint you, that they are very much Surpriz'd at your having sent a Paper of that consequence, without giving the Board an Opportunity of Discoursing with you thereupon, before you left London. Your Letter was dated the 13th Instant, but not received till yesterday, when I was informed you went out of Town, the very day you wrote your Letter, for Bristol, to imbark for Carolina, I am

Sir,

Your most humble Servant,
Alured Popple.

Whitehall.
20 Nov. 1728.

B. P. R. O. South Carolina B. T. Vol 3.

C. 30

Bristol 23 Nov 1728

Sir

I have just now received the honor you did me the 20th inst I must own I ought to stand condemned before my Lords Commissioners for Trade and plantations as it appears my Letter was written on the very day I went out of Town. But I must rely on your goodness and intreat you to acquaint their Lordships that it was my intention to have stayed much longer in Town and to have attended their Lordships commands but the news I received that the Hurricane in Carolina has proved very prejudicial to my private affairs obliged me immediately to set out for that place I was some short time in London, but it is well known that I laboured under an indisposition that made me not only incapable of business. but for the greatest part of my time confined me to my Chamber

I beg that you will be pleased to assure your Lordships that no other motive than the obligations I thought myself under from my duty made me presume to write to their Lordships and the only cause of my deferring it was what I have taken the Liberty to mention. The facts are true they are notoriously so known in the province wher Mr Middleton presides and I will undertake fully to prove them on pain of the worst Event their Lordps displeasure I have no private views or interests from those of the Colony whare I live I thought the matters laid before their Lordships were of too much consequence to escape their knowledge and I still humbly hope that a fault of mine (which was really occasioned by an accident which I could not

forsee

224

foresee) will not affect the merit of the complaint. I am, Sir

With very great respect

Your most obedient humble Servant

Benjn Whitaker

Rec^d 25 Nov } 1728
Read 26 do }

B. P. R. O. South Carolina B. T. Vol 3
O. 31

Kingroad near Bristol 26 Nov. 1728

Sir

When I last did myself the honor to write to you I acquainted you with the reasons that occasioned my sudden return to Carolina I should have thought myself very happy if I could have waited on my Lords Commissioners without the utmost prejudice to my affairs But I beg that you will be pleased to observe that it was my humble request to their Lordships that I might obtain an Order to examine persons and send for papers The facts are such as can be only proved by the Journals and proceedings of the Council and assembly or by the depositions of Witnesses which I have no power to take without their Lordships countenance or authority.

I again beg leave to assure you that the facts are true. & are known to the whole province and I will undertake to prove them at my utmost peril but it must be in Carolina where the transactions happened and the Witnesses live I wish Mr Middleton all opportunity of Defence for I have neither folly or dishonesty enough to assert those things to their Lordships which have no foundation in truth. I am with the most perfect attention

Sir

Your most obedt. and most humble Servant

Benjn. Whitaker

Recd. 30 Nov } 1728
Read 3 Dec }

B. P. R. O. South Carolina, (B.T.) Vol. 25. p. 243.

29th Novemr. 1728.

To His Grace the Duke of Newcastle.

My Lord,

We having lately received from His Majesty's Attorny General in Carolina Several Articles of Complaint against the President of His Majesty's Council, who has been Commander in Chief of that Province ever since General Nicholson the late Governor has been return'd from thence; And as these Complaints agree with the general Accounts We have had from those parts, altho' the Proofs of them are not yet laid before Us, We thought it for His Majesty's Service to Send Your Grace a Copy of the Sd Articles by which You will see what confusion that Province labours under, and how necessary it is that Your Grace should receive His Majesty's Commands for putting the care of that valuable Country into better hands, as the only expedient We can offer for redressing these disorders We are,

My Lord,

Your Graces most Obedt and most humble Servants.

P. Docminique

Whitehall.
29 Nov. 1728.

O.

W. Bridgman

W. Cary.

J. Frankland.

B. P. R. O. South Carolina B. T. vol 3
C 32

At the Court at St James the 4th December 1728

Present

The Kings most Excellt Majesty in Council

Upon reading this day at the Board a Representation from the Lords Commissrs for Trade and plantations to His Grace the Duke of Newcastle transmitting several articles of Complaint which they had received from His Majestys Attorney General of Carolina against the President of His Majestys Council of that Province, who has been Commander in Chief there ever since General Nicholson the late Govr returned from thence. It is ordered by His Majesty in Council that the said Representation and articles of Complaint be, and they are hereby referred to a Committee of the Lords of His Majestys Most Honorable Privy Council to consider the same and Report their opinion thereupon to His Majesty at this Board

A true copy
Jas: Vernon

Recd. 3 Jan } 1728/9
Read 15 do }

B.P.R.O. South Carolina B.T. Vol 3
C.34

At the Council Chamber Whitehall 1st February 1729

By the Right Honorable the Lords of the Committee for hearing Appeals Complaints &c from the Plantations.

Whereas his Majesty hath been pleased to refer unto this Committee a Representation from the Lords Commiss^rs for Trade and Plantations together with several Articles of Complaint which they have received from His Majestys Attorney General of Carolina against Arthur Middleton Esqr President of His Majestys Council of that Province who hath been Commander in Chief there ever since General Nicholson the late Governor returned from thence. The Lords of the Committee this day took the same into their consideration, and are thereupon pleased to order that a Copy of the said Articles (which are hereunto annexed) Be transmitted to the said Arthur Middleton, who is hereby required to return his Answer thereto in Writing to this Committee with all convenient speed

A true Copy
Temple Stanyan

Rec^d 7 March }
Read 21 do } 1728/9

B. P. R. O South Carolina B. 2 Vol 3

C. 37 19 Dec. 1728

To His Grace the Duke of Newcastle

May it please Your Grace

The great disturbances that have happened in this Province for these two years past and upwards have at length put us under an absolute Necessity of applying to his most sacred Majesty for a proper remedy

We have referred this matter as long as it was possible. as well knowing what trouble the affairs of Carolina have given the Government for some time past but when things are grown to such Heighths in this Colony. That His Majestys Royal Prerogative is openly Trampled upon His Majestys Commander in Chief and his Council insulted by assemblys within doors and by tumults without We cannot any longer avoid acquainting the Government therewith without a manifest breach of our duty.

We therefore take leave to acquaint Your Grace. that the late assembly in September last in manifest contempt of the Royal authority broke up without leave and seperated themselves so as not to meet again in order to avoid raising a Public Tax and a new one being duly summoned by His Majestys Writs. The Majority of them of set purpose neglected to meet the President and Council in Assembly to consult and advise with them upon the emergent affairs of this Province. so as the rest could not make a house to transact the Public Business

Tis now twenty months past since they have granted any supplys to his Majesty for the support of His Government. We daily expect the

deser.ⁿ

desertion of all our publick Garrisons for want of pay. no provision being made for payment of the publick Debts and all things abandoned to disorder & confusion

The end of the several Assemblys in all this is to put the fate of the whole province at Stake on his Honor the President and His Majestys Council's Refusal to breake through all his late Majestys Royal Orders & Instructions Their Excellencies the Lords Justices Orders and their own Laws made in pursuance thereof for the gradual reduction of their Currency and to reduce the President and council to the fatal dilemma either of disobeying those orders or letter the province sink for want of those Supplys

These proceedings of the several Assemblys have put us under an absolute necessity of earnestly requesting your Grace to Cause our Representations of these matters to be speedily laid before his Majesty in Council

The abovementioned Representations will be delivered to your Grace by Mr. Stephen Godin of London Merch! whom for his experience in the affairs of the Plantations We have chousen to be our agent in this behalf and to whom we pray your Grace will be pleased to give all due Credit.

The first representation contains an act in general of these proceedings (Intituled a further Representation of His Majtys Council) gives the particular account of all these transactions. We must needs own that we are afraid that the great length of it may be an obstacle to its being read, But we assure your Grace that we have done it with all the brevity that it was possible without omitting the very substance and

and Essence of the things themselves that are necessary to be represented

As the matter of the paper Currency or Bills of Credit is the Occasion and Groundwork of the whole so we have endeavored with all the perspicuity imagainable as well as brevity to shew what notorious frauds have been practiced for these many years past by the several Assemblys one after the other by means of these paper Bills and which has never before been set in a true light

The next step is to show what steps the Assembly have taken since their Excellencies the Lords of the Regency have endeavored to put a stop to those unwarrantable proceedings by Repealing their Act for making an Additional Currency of Forty thousand pounds during the administration of His Excell^y Francis Nicholson Esq Thirdly the design of this Representation is to let the Government at home see what insults and Indignitys are offered by the Assemblys within doors and by tumults without to his Majestys Commander in Chief and his Council here for their endeavoring firmly to adhere to His Majestys Royal Instructions and their Excellencies the Lords Justices Orders

The end of the whole is to obtain from his most sacred Majesty some proper orders for restraining these Insolencys and Exorbitances for the future and above all things a particular instruction prohibiting all succeeding Governors, absolutely to accept of any temporary Gifts or presents from the Assemblys on any pretence whatsoever

For this may it please your Grace is the very bane of all our affairs. Neither is there any one thing in the world that lessens the

Royal

Royal prerogative so much in these parts as the respective Governors ever more Temporizing and giving way to the Assemblys for the sake of these temporary Gifts and presents

This Province (let the assemblys be what they will) is very able to settle a fixed Salary of five hundred pounds Sterl perann. on a Governor and the Governors and Officers fees are very shameful at present and ought to be augmented at least double to what they are.

This allowance of five hundred pounds Sterl per ann. was what they gave their revolution Governor Coll Moore This is what they allowed His Excellency Francis Nicholson but they would not give it by way of Salary but by way of present that is to say in more true and plain terms that if the Governor would not come into their measures they would give him nothing at all and what is equally as bad all the other subordinate &c officers Viz! The Chief Justice, The Secretary and his deputys. The Clerk of the Council and all the rest are made to depend for their support on the precarious humours and a single vote of the Assembly so that were it not for their singular integrity the Governor could not be sure of one of his subordinate officers to be either diligent or faithful to him in the execution of their respective Trusts: As to the Attorney General they have ever more refused to allow him any salary whatever so that his Majestys Governor & Council are oftimes forced to Court them to their duty and have little or nothing to reward them for their trouble nor any Revenue to apply to for that or any other service under the greatest Emergency whatever and its against their interest to disoblige where nothing is to be got And of all

all Officers the People have the least notion of supporting an Officer of this kind, to whose prosecution they so frequently subject themselves, for these reasons the hands of the Government are so much weakened that they may be said to have an executive power without a power to execute it

We take leave further to acquaint Your Grace That that Instruction to His Excellency Governor Nicholson to insist on a salary and not to take any presents after a salary so fixed did not answer the end for they would not affix any salary because he had a latitude of accepting presents till a Salary was fixed so that all the money that was paid him by the assemblys during his whole Governm^t of Four Years were nothing but presents and those presents were always made him on passing the Currency Laws or doe something else as extraordinary to Gratify them and which Laws their Excellencies the Lords Chief Justices saw reason to repeal

Your Grace may be well satisfied and assured that we neither seek or can have any private advantage by these Representations all we aim at is the support of His Majestys Royal Prerogative and maintaining of Civil Order in this Government to which we doubt not but Your Grace will Contribute and give our Affairs such dispatch as the necessity of them require

Before we conclude this we cannot omit recommending to yor Grace's special favor the Honble Richard Allein Esq the present Chief Justice not only for his capacity for that Office but for his knowledge and experience in the Publick Affairs of this Province

and

235

and his assiduous application to publick Business for his constant endeavors to support His Majesty's Royal prerogative and his firm adherence and assistance given to his Honor the president and His Majesty's Council under all those difficultys and Emergencys

We are

May it please Your Grace

Your Grace's most humble and most obed! Servants

Ra: Izard

Wm. Bull

A. Skene

Benj Schenckingh

James Kinloch

Char. Hart

Benja De La Conseillere

Charles Town Council Chamber

19th December 1728

Recd 7th } July 1729
Read 8th }

B. P. R. O. South Carolina B. T.

C. 42 19 Dec 1728

The Right Honble The Lords Commrs for Trade & plantatns

May it please your Lordships

The trouble which the affairs of this Province have oft times given the Government as well as your Lordships hath made us decline so long as we could possibly avoid it even to Represent those matters which were absolutely necessary to be represented but when things are now grown to that heighth several Assemblys one after the other have absolutely declined raising any supplys for the support of His Majestys Government for these twenty months past and upwards and at last in contempt of His Majestys Royal Authority have absolutely neglected to meet me and His Majestys Council in Assembly to consult and advise on the [in] Emergent Affairs of this His Majestys Colony and have abandoned all things to disorder and confusion We cannot avoid it any longer without a Manifest breach of our Duty

By my letter of the 24th of June 1727 to his Excellency Francis Nicholson Esq. Governor which I desired he would please to lay before his Grace the Duke of Newcastle and also before your Lordships I gave a Brief account of the disturbances that had happened to that time. His Majestys Council have now thought fit to make a Representation to the King's most excellent Majesty which contains a recapitulation of these matters in a fuller matter and to enter into the grounds and causes of those disturbances continuing the relation to this present day. The examination whereof I presume will be referred to your Lordships and therefore take leave to signify to your Lordships my hearty concurrence with His Majestys Council

237.

Council in all their proceedings notwithstanding I have not subscribed the Representation myself having before given an account of several of these matters by my Letters to His Excellency Governor Nicholson, which as I am informed were delivered by His Excellency to His Grace the Duke of Newcastle and by him laid before His Majesty in Council.

I humbly hope your Lordships will give all due countenance and despatch to these affairs, and am

May it please Your Lordships
Your Lordships most humble and most
Obedient Servant
Ar. Middleton

Charles Town 19th Dec. 1728
Recd. 1 April } 1729
Read 16 July }

B. R. O. South Carolina B. T. Vol 3
C. 43

23 January 1729

The Rt. Honble Lords Commrs for Trade & Plantatns

My Lords

His Majestys Council having thought fit with my Approbation to cause a Representation of the present ill state of this Province to be laid very suddenly before His Majesty I have sent your Lordships the Journal of the Council in Assembly from the 18th day of December 1727 to the Eleventh day of May last and a further Journal of the same House from the 9th to the 27th of July last also the Copys of the Journals of the Lower House from the 31st of January to the 24th July last to which (if need be) reference may be had in order to prove the several matters mentioned in the Council's Representation

They have thought fit to appoint Mr Stephen Godin of London Merchant to be their Agent in order to obtain proper Instructions from His most sacred Majesty to be sent with a Governor whom His Majesty shall be graciously pleased to appoint for this Colony The abovementioned Representation with several Letters from me and His Majestys Council to your Lordships and also to His Grace the Duke of Newcastle are on board the John Pink, John Calvert Commander who sailed from hence the 13th instant all which are under cover to Mr Stephen Godin and will be delivered as directed

So: Carolina
23 Jany 1728/9

I am
May it please your Lordships
Your Lordships most obedient humble Servt
Ar Middleton

P.S. This Lre came by Capt Jacobs

Recd March 27 } 1729
Read July 16 }

B. P. R. O. South Carolina B. T. vol. 3

C44 Recd 1 April 1729

To the Rt Honble The Lords Commrs for Trade & plantations

May it please Your Lordships

The present ill posture of Affairs of this His Majesty's Collony having put us under an absolute necessity of Representing them at large unto his most Sacred Majesty we humbly entreat your Lordships when the said Matters shall be referred down to your Lordships Board, Your Lordships will be pleased to give our Affairs all the necessary dispatch that the Emergency of them do require

We have chosen Mr Stephen Goden of London Merchant to be our Agent in this behalf and humbly beg your Lordships to give him all due Credit and countenance in his Solicitations. We are

May it please Your Lordships

Your Lordps most humble & most obedt Servants

Ra: Izard

Wm Bull

A. Skene

James Kinloch

Char. Hart

Benja Schenkingh

Benja De la Conseillere

Recd 1 April } 1729
Read 16 July }

B. P. R. O. Journals B. T. vol 39

Whitehall 6 February 1729

At a Meeting of His Majestys Commiss^rs for Trade and Plantations

Present

Mr. Bladen   Sr. O. Bridgeman

Mr. Ashe   Mr. Cary

* * * * * * * * * * * *

A Memorial from Mr. Fitzwilliam His Majestys Surveyor Genl. for the South Continent of America desiring to be of the Council of Virginia South Carolina and Jamaica being read Ordered that the Draught of a Representation be prepared thereupon.

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7th February 1729

The Draught of a Representation likewise directed yesterday to be prepar'd upon Mr. Fitzwilliams petition desiring to be of the Council of Virginia South Carolina and Jamaica was agreed and ordered to be transcribed

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14th February 1729

The Secretary then acquainted the Board that Col. Johnson desired they would please to appoint a Day for considering an Act passed in South Carolina in 1723 for settling the Estate of Richard Beresford Esq deceased Whereupon Mr. Wests report being read Their Lordships appointed Friday next for this purpose

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Friday 21 Febry 1729

Their Lordships taking into Consideration the Act passed in South Carolina in 1723/4 for settling the Estate of Richard Beresford Esq deceased as also Mr Wests Report thereupon, and considering the hard Case of the infant for whose relief this Act was passed agreed that the same should lye by probationary for some time This Act not being proper to be confirmed for the Reasons mentioned in Mr Wests aforementioned report

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8 July 1729

An Order of the Committee of Council referring to the Board several papers in relation to the present state of South Carolina was read, and the papers therein referred to were laid before the Board Viz! Copy of a Letter from Mr Middleton, president of the Council of South Carolina to the Duke of Newcastle. Copy of a Repn signed by the president and Council of South Carolina. Copy of a Repn of the Council of South Carolina. Copy of a Letter from the Council of South Carolina to the Duke of Newcastle

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15 July 1728

Their Lordships then took again into consideration the order of Committee of Council referring to the Board several papers relating to the present state of South Carolina read the 8th Inst. and gave Directions that Colo Johnson late Governor of South Carolina, Capt. Burrington late Governor of North Carolina Mr Wragg & Mr Godin Agent for South Carolina should be desired to attend the Board upon this subject tomorrow sennight

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16 July 1729

A Letter from Mr Hammerton Naval Officer of South Carolina dated the 24th of July 1727 transmitting Naval Office Accounts from Christmas 1726 to Midsummer 1727 was read as likewise. A Letter from him dated the 15th of September 1727. A Letter from Mr Middleton President of the Council of South Carolina dated the 19th of December 1728. complaining of the Assembly and recommending a Repn. of the ill state of that Province drawn by the Council was read as likewise. A Letter from him dated the 23 of January 1728/9 signifying that he has sent a Representation relating to the ill State of that province & other papers in order to be laid before the Board. A Letter from the Council of South Carolina to the Board without date, desiring the Board to consider the state of that province when the same shall be referred to them was read. A Memorial from Mr Missing in relation to the settlement of some Palatines in South Carolina was read. A Letter from Mr de La Fontaine dated the 29th of October 1728 enclosing another Memorial from Mr Missing upon the same subject was read A Letter from Mr Thomas Lowndes dated the 25th of September 1728 in relation to the settlement of some Palatines in South Carolina was read. A Letter from him dated the 16th of February 1728/9 relating to his services in promoting the purchase of Carolina by the Crown from the Lords Proprietors was read as were likewise the two following papers therein referred to viz! Copy of a Letter from Mr Craven to Mr Thos Lowndes dated the 4th of May 1726 in relation to the Harbour of Port Royal in South Carolina & to the Timber &c at that place

Reasons

Reasons to shew the Advantageousness of the Crowns purchase of the Caroli-nas. The following papers received from South Carolina without any letter were laid before the Board. Journals of the Upper House of assembly from the 18th of December 1727 to the 27th July 1728. Minutes of assembly from the 31st of Jan 1727/8 to the 24th of July 1728

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23 July 1729

Mr Godin agent for South Carolina attending as he had been desired with Collo Johnson formerly Govr of that province Capt. Burrington late Govr of North Carolina and Mr Wragg The Board took again into Consideration the order of the Committee of Council dated the 2d Inst. and read the 8th referring to the Board several papers in relation to the State of South Carolina and after some discourse with these Gentlemen thereupon their Lordships desired they would consider and let the Board have in writing as soon as conveniently may be their Opinion whether it was necessary to have any paper Money Current in that province. If it was. What sum and in what manner these Bills would best and most effectually be sunk in order to keep up the Credits of them while Current which they promised to do accordingly

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30 July 1729

Mr Stephen Godin attending presented to their Lordps a Memorial with a Schedule of papers remainining in his hands relating to the province of South Carolina which Memorial and Schedule were read

and

and the two undermentioned papers referred to in the said Schedule were laid before the Board Viz! - Copy of a Memorial to His Majesty from the Council of South Carolina with reasons to repeal Two Laws about County & precinct Courts in that Province. Draft of Additional Instructions for a Governor of South Carolina. which their Lordships agreed to take into further consid-eration at another Opportunity. In the meantime Mr. Godin was desired to bring such public papers relating to the said Province of South Carolina as had not yet been transmitted to this Office

. . . .

31 July 1729

Capt Burrington attending presented to their Lordships a Memorial relating to the present state of South Carolina dated the 28th. Inst. which was read and after some discourse with him on that subject their Lord.ps agreed to take his said Memorial into further Consideration when they shall prepare the Draft of Instructions for a Governor of South Carolina

In the meantime a representation to the Lords of the Committee of His Majesties most Hon.ble privy Council (upon their Lordships order of the 2d. which was mentioned in the Minutes of the 23rd. Inst with the papers therein referred to) relating to the great confusion in the Province of South Carolina and the speedy appointment of a Governor for remedy thereof was agreed and signed

. . . .

12 August 1729

A letter from Mr. Thos. Lowndes of the 7th inst relating to an Imposition in

in Pennsylvania upon such Palatines as shall arrive there for the future and proposing Incouragement for some of the same Nation to settle in South Carolina was read Whereupon their Lordships agreed when a Governor for South Carolina shall be nominated to recommend him the incouraging such protestants as shall arrive from the Palatines to settle there

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1st October 1729

The Act passed in South Carolina in 1722/3 Intituled an Act for granting to His Majesty a Duty and Imposition on Negroes Liquors and other Goods and Merchandizes for the use of the publick of this Province Whereby among others a duty of Ten pounds is laid on all Negro Slaves imported from Africa directly or any other place whatsoever Spanish Negroes excepted if above Ten Years of Age and Five pounds on all Negroes under Ten years of Age (sucking Children excepted) Their Lordships agreed when other matters relating to this Province shall fall under consideration at the Appointment of a new Governor to propose the said Act may be repealed

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2 December 1729

A letter from the Lord Viscot. Townshend of the 22d of November last signifying His Majesty having appointed Robert Johnson Esq to be Governor of South Carolina and requiring Drafts of a Commission and Instructions to be prepared for him was read Whereupon ordered that Drafts of a Commission and Instructions be prepared accordingly

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9 December 1729

The Draft of a Commission for Mr. Johnson appointed Governor of South Carolina Ordered to be prepared at the last Meeting being agreed a Repr. thereupon to His Majesty was signed as also a Letter for enclosing the same to the Lord Townshend

B. P. R. O. South Carolina B. T. Vol 4 C 48.

16th February 1729

Sir.

Hearing that the Lords Commissioners for Trade are teazed by Pretenders to Merit in bringing about the Purchase of Carolina, I take the Liberty to transmit to you, a Copy of the Reasons which last year I drew and which were presented to, and approved of by the Speaker of the House of Commons and Sixteen other Members, when the Demand was made for the Purchase Money in Parliament

The Proposals for Attacking Fort Augustine and Obstructing from Port Royal in South Carolina the Spanish Navigation was first made by me, to a Person of great figure in the Administration in May next will be three Years and was then liked, what Service I have since done in Obviating any difficulty that might happen, and in removing Obstructions that arose whilst the Bargain for Carolina was Negociating a Noble Lord of your board (whose Justice and Honour are equal to his Title) will I doubt not readily vouch for Me. And I have ample Testimony of the Pains I have since taken to keep Matters between the Crown and the Proprietors from being inflamed

inflamed.

Colonel Lilly was too Candid a Gentleman not to own Publickly the Assistance I gave him in drawing his Map of Carolina; I having the most Authentick Manuscript Map of that Country and of Port Royal in particular. For as for Poor Governour Rogers his is only an unnatural Fiction for there can be no such place as he represents Port Royal to be; till the Nature of Water is altered and the Globe new moulded.

I likewise inclose a Copy of a Letter from Governour Craven wch I doubt not will give the Lords of Trade satisfaction, he being a Gent. of well-known Honour, and I had the Liberty to do with it as I judged proper.

I beg leave to Observe to You, that it is my humble Opinion, that the Spaniards make their Clamorous Memlls about the little Fort upon Allatamaha River, to conceal their Intentions of getting from us by Treaty the Territory Wee have upon the Gulf of Mexico. For the Bay of Apalachia is most certainly ours. And it is highly probable there is a good Harbour, either at the Entrance of the River de Guitare, or the River Flint. And the

the Country is Esteemed very fertile and the Indians that did inhabit it are either chased away or killed. Of what use it may be to the Spanish Nation to have such a Concession or of what prejudice to grant it; the Lords Comm^rs for Trade are the best Judges

I am

Sir

Your most Obedient and most
humble Servant

16th Feb^ry 1728/9 — Tho Lowndes

P.S.

There is I hear a great disposition in the richer Palatins and Germans about Leige to go to South Carolina. So a good Revenue may be made immediately to the King by Quitt Rent.

Rec^ed 16th Feb^ry 1728/9
Read July 16 1729

B. P. R. O. South Carolina B. T. Vol 4 C47

(Enclosure to Letter 11 Feby 1729

4th May 1726

Copy of Governour Cravens Letter to Mr Lowndes

Sir

Having received yours dated April 16th 1726 in relation to Port Royal in South Carolina I can only give this Account

There is Water enough for any Ships to come over the Barr, I had it sounded, when I was Governour, but through the Carelessness of my Servant my Papers are lost.

It is my Opinion, it may be very easily fortifyed at a small Expence to Secure the Trade from any Damage from Enemys

As to the Timber near Port Royal it is as good as in any Part of the Continent.

There are several Sorts of Oak for Building, Pine for Masts of Ships and the Land very fertile and proper for Flax and Hemp or any other Grain or Product and great Plenty of good Cattle and Fish

May 4th 1726 I am &c

Chas Craven

Memd Lowndes had a Liberty to use Mr Cravens Letter as he should think proper

Recd 16th Febry 1728/9

Read

B P R.O South Carolina B.T. Vol 4 C 80

(Enclosure to Letter 16 Feb 1729)

Some Reasons to shew the absolute Necessity for the Crowns buying the Propriety of the Carolinas as also the Advantagiousness of that Purchase to the Publick

South Carolina is situate between the French on the River Messissippi and the Spaniards in Florida and in the Neighbourhood of Cuba, a very strong Spanish Settlement, and in Case of a Rupture with France or Spain and an Invasion from either must in the Condition it was in by the Disunion of the Proprietors and the Animosities between the Proprietors and Inhabitants have inevitably faln a Prey unless the British Nation had at a very great Expense rescued the Colony which under the imediate Protection of the Crown may in a great Measure be made able to defend itself upon all occasions, and of eminent Use not only to all the British Settlements in America, but to the Mother Country.

That South Carolina has for its contingent Charges Years last past raised about 7000£ ꝑ Annum which with the Quit Rents (which may be Estimated at 1000£ ꝑ Annum) will under a proper Regulation and Aconomy go near to defray the Expence of the Government.

That had South Carolina continued a provisional Government the British Establishment could never have been freed from the Expence of the Governours Salary and the Independent Company, unless the Crown had either infringed the Rights of the Proprietors or invaded the Property of the Inhabitants

That the Crown having purchased the Arrears of the Quit Rents, which are Estimated very low in the Proprietors Account, will be a Means to make the Inhabitants to come into proper Measures to lay upon themselves some Duty which they are well able to bear in Order to defend the Province.

That had South Carolina faln into the Hands either of the French or Spaniards (besides the Loss of a Branch of the Revenue from the Enumerated Rice) the Consequence would have been very fatal not only to all the Settlements in North America, but also to the British Navigation to the Sugar Islands For we should have been absolutely Excluded the Navigation of the Gulf of Florida, and a Communication would have lain open from all the Spanish Settlements to the French Colony on the Mississippi.

That by a good Settlement being made at Port Royal in South Carolina where (by all Accounts there is a Noble

Noble Harbour) the Conjunction of the Power of France and Spain will not only be prevented, but as long as We are Masters of the Sea, We can lay a very great Restraint upon the Spanish Navigation in America For the Spanish Plate Fleet from Mexico must of Necessity pass very near Our Coast, and that from Peru cannot without the greatest Difficulty avoid it. That by keeping a competent Number of Men of War at Port Royal (which can at a much easier Rate be Accomodated with all the Necessaries now the whole Property is in the Crown) the British Commerce will be entirely Protected from the Spanish Privateers which were always fitted out at Port Augustino, a Place in the Neighbourhood of South Carolina, and Notorious for the Mischief Our Trade has even of late received.

That a Station for Men of War can be at a much less Expence supported in South Carolina than at Jamaica, For South Carolina is not only Productive of all sorts of Naval Stores, but the Provisions are better and much Cheaper there than in Jamaica, and the Temperature of the Place as well as the Advantagiousness of the Situation will always render it preferable to Jamaica, where

where the Climate is so unhealthy to English Constitutions.

That if North Carolina be made a District of Virginia besides the Tenths reserved upon the Whale Fishery the Revenue by Quit Rents of that Place which always bore the Charge of the Establishment will bring in an imediate Profit to the Crown of about 10£ Sterling Yearly.

That it is Acknowledged by all Persons that the most fertile and healthy Part of all America is the Tract of Land lying between Port Royal in South Carolina and Florida, and well Watered by Navigable Rivers, and if it be lett out at a proper Quit Rent as in Maryland and Pensilvania (the Crown not being under any Obligation as to the Quit Rents for Lands not yet set out in South Carolina as it is in Virginia) twill in a very few Years not only ease the British Establishment, but bring in a competent Annual Sum of Money to be remitted to Great Britain or to be disbursed for setting on Foot in America the Silk or any other Manufacture that shall be thought proper.

If it is asked by Way of Objection, Why the Proprietors surrender their Charter for so Small a Sum as

as 25000£ (5000£ of which is for the Arrears) if the Country be so valuable as is represented. The Consideration of the Number of the Proprietors; Their Disunion, The Frequency of Minorities amongst them, Their Inability to procure to themselves Justice from South Carolina with respect to their Quit Rents, and their Want of Power to correct the great Abuses committed by the Settlement about the Paper Money and other publick Acts to the Prejudice of the British Commerce, and an Apprehension that in case of an Invasion the Colony would be lost, to the great Detriment of the Publick as well as to themselves, tis humbly presumed will afford a full and Satisfactory Answer

Tho: Lowndes

Recd 16th Febry 1728/9

Read

B. P. R. O. South Carolina B. T. Vol 4. C 105

(25th March 1729)

George. R.

Trusty and Welbeloved We greet you well. Whereas Our Trusty and Welbeloved Richard Fitzwilliam Esqr Surveyor General of Our Customs for South America was in the 12th Year of the Reign of Our late Royal Father, added to the respective Councils in Our Colonies of Virginia and South Carolina and Our Island of Jamaica and Whereas Our Commissioners for Trade and Plantations have represented unto Us in Our Privy Council that it will be for our Service to continue the said Richard Fitzwilliam in Our said respective Councils We have thought fit to approve thereof, and do hereby Signify Our Will & Pleasure to you that forthwith upon Receipt hereof you Swear & admit him the said Richard Fitzwilliam to be of Our Council of Our Province of South Carolina; And for so doing this shall be your Warrant And so We bid you farewell. Given at Our Court at St James's the 25th Day of March 1729 in the Second year of Our Reign

By His Majestys Command
Holles Newcastle

To

To Our Trusty and Welbeloved
the Comander in Chief of Our
Province & Territory of South Carolina
in America And in his Absence
to ye President of Our Council of
Our said Province for ye time being

The like Warrants for Mr Fitzwilliam directed to ye Govrs
or Comanders in Chief of Jamaica & Virginia

Recd August 3d }
Read Do 11th } 1730

B. P. R. O. A & W. I. Vol. 621

(18 april 1729.)

My Lord,

Having bin acquainted from London that Mr Wyat has delivered on my behalf the presents I was intrusted with by the head men of the Charakees of South Carolina and that your Grace was pleased to send for me at Mr Cabibels merchant of London, when I was not to be found the reason of my not appearing is all owing to my uncle who shared me away for fear of being put in prison for debt, beeing in South Carolina a merchant of London named Samuel Wragg sent to his brother that I had in England and estate Left me of 700£ sterling Wich ocasioned me to take up money to defray some ould arears In that countrey, the money I had ocasion for Was 300£ sterling and the rest that I thought to have left not doubting of the truth of the Legacy above mentioned I intended to sacrafice to cary on a comerce with said Indians In order to keep them our friends It being for the Interest of the King my master and that Countrey, whom I am wholly devoted to therefore take the liberty to implore your Grace is protection to be called home to Inglont and

and that I might act for my countrey, I have here an aunt who will bestow on me 150£ sterling and at the same time I send to my creditor that he shall have every farthing so I can but once more serve my dr. Countrey for I had rather be there with nothing then in france or in their collinies with vast riches having already refused good offers to go for the Mesisipey in order to cary on a trayde for the French with those said Indians but god forbid I should ever think of beeing falce to my nation tho' never so great need I thought it my duty to acquaint your Lordship of these matters praying god dayly for your Welfare and that of the English nation beging your protection to be called home to my native place as also your pardon for daring to presume to put pen to paper to one so far above my rank but hoping your Lordship will impute it to the zeal I have to serve my King and Countrey I shall conclude once more craving your pardon and protection one of the most devoted to the service of Great Britain.

Your Lordship most humble and
Most Obedient Servant to Comand

Geneve aprill the 18th 1729. John Savy.

B. P. R. O. A + W. I. Vol. 621

(14 May 1729.)

My Lord

I humbly beg y^r Grace's pardon for the trouble I now give your Grace in laying a short state of my case with respect to the Carolina affair before you - In persuance of the recomendation of Mr Gibson & Mr Jacob in my behalf & in hopes I shall have ye honnor of y^r Grace's favour & Interest who am with great respect

y^r Grace's

May 14th 1729. Most humble &

most Obed^t Servt

His Grace the Duke of Newcastle S. Horsey

(Enclosure)

261

(Enclosure.)

The Case of Collonel Samuel Horsey with respect to the Government of South Carolina.

Collonel Horsey served above 20 years in his Majesty's Foot and Horse Guards And in the year 1722 Resigned his Post of Lieutent. Collonel to his Majesties Fourth Troop of Horse Guards upon the View and promise of the Government of South Carolina whenever a New Governt. should be appointed & has had Encouragement from time to time to Expect it ever since.

In this Assurance he applyed himself to the Knowledge of the Affairs and Circumstances of that Province for several years.

He was the first proposer of the Surrender of Carolina to his Majesty and procured a Petition to be signed by Six of the Lords Proprietors to the King for that purpose.

After which he did by the Mediation of the Earl of Westmoreland Negotiate and settle the Terms of the said Surrender, For the truth and particulars of which he begs leave to referr to his Lordship and the Lords Proprietors.

He has been at great pains and Expence in carrying on and effecting this Agreement between the King & the Lords Proprietors which is allowed

to

to be a very beneficial One to the Public - And is now a Trustee named in the Act of Parliament for Executing the same.

It is therefore humbly hoped that the true State of his Case may be laid before his Majesty And that as a Reward for the service he has done in this Affair His Majesty will be graciously pleased to appoint Collonel Horsey Governor of South Carolina He being generally Acceptable to the Inhabitants of the Province & the Merchants in London who trade thither.

N.B. If Mr. Hutchinson makes Application in favour of another Gentleman for the Government of South Carolina under the Merit of being a Proprietor, It must be observed he was not so much as a Nominal One when the first petition to the King was signed And but a Meere Nominal One afterwards being only in Trust for Mr. John Cotton of Westminster - If he pleads Merit as forwarding the surrender of Carolina to the King, it is answered he did not at first meet the rest of the Proprietors but acted seperately and was the Occasion of Many Difficulties which Obstructed the Agreemt for some time

These facts appear by the Act of Parliament itself and by a paper delivered by the Lords Proprietors at the begining of this Treaty to a Committee of his Majesties

-jesties most honourable Privy Council Intituled "Reasons humbly Offered by the Five Subscribing Lords Proprietors why his Majesty should take the Government of South Carolina absolutely into his own hands &c.

B. P. R. O. South Carolina B. T. Vol 3

C 35

At the Council Chamber Whitehall 2^d day of July 1729

By a Committee of the Lords of His Majestys Most hon^ble privy Council

Whereas His Majesty was pleased by her order in Council of the 22^d of May last to refer unto this Committee two letters to His Grace the Duke of Newcastle. The one from Arthur Middleton Esqr president of the Council and Governor in Chief of the Province of South Carolina and the other from the Council of that province together with two Representations signed by the said Council containing complaints against the Assembly. The Lords of the Committee this day took the said Letters and Representation into consideration and are hereby pleased to refer the same to the Lords Commissioners for Trade and plantations to consider thereof and report their Opinion thereupon to this Committee

Edward Southwell

Rec^d 7 July }
Read 8 do } 1729

B. P. R. O. South Carolina B. T. Vol 3

C 36

To His Grace the Duke of Newcastle

May it please Your Grace

By my letter of the 24th of June 1727 to his Excellency Francis Nicholson Esq Govr which I desired might be laid before your Grace I gave an account of the several disturbances that had then happened in this province

I find by His Excellency Govr Nicholson's Letters that the said Letter with some others I had before sent were accordingly delivered to Your Grace and laid before His Majesty in Council, but do not find that his Excellency sollicited that matter with any Warmth, for reasons best known to himself, or that any thing since before or after his Excellency's death hath been done thereupon nor any public Censure of the Government at home on account of those Riotous proceedings the want of which hath extremely weakened the hands of the Government here. For these people finding that notwithstanding the several representations made against them that no notice hath been taken thereof have run into all manner of Licentiousness and things are now grown to that heighth that the assemblys have broke up and dispersed themselves without leave In contempt of the Royal authority and a new one being called to meet in September last the majority of them wholly neglected to meet me and His Majesty's Council in Assembly to consult and advise on the Arduous affairs of the province. Have granted us no supplys for the support of His Majesty's Government for twenty months past and upwards and abandoned all things to disorder and confusion merely with intent to distress this His Majesty's Government, to force us into a Compliance with

their

their unreasonable measures and to oblige us to join with them in over setting all acts Orders and Instructions whatsoever that stand in the way of their Currency

This has put His Majesty's Council under an absolute necessity of Representing all these affairs to the Kings Most excellent Majesty by two several Representations which they have ordered to be delivered to Your Grace by the hands of Mr. Stephen Godin of London Merchant their Agent.

I have read and considered these Representations so made by His Majesty's Council to the Kings most Excellent Majesty, and do approve thereof, and of all other His Majesty's Councils proceedings in relation thereto Wherefor I hope your Grace will cause them to be laid before His Majesty in Council. To the end some effectual Orders may be given to the Governor whom his Majesty shall be graciously pleased to appoint for this Colony for the better supporting His Majesty's Royal authority and Civil Order in the Government for the time to come. We have found by experience that to employ the people to reduce themselves hath been a vain attempt, which is more at large set forth in the said Representation. We have no standing forces nor Treasury to apply to upon the most Emergent occasions. and it will be difficult for any Government to support itself where either the one or the other is wholly wanting. To enter into the particular details of thes matters will be lengthening out this letter to that of his Majesty's Council's Represen^tn therefore beg leave to refer your Grace thereto. and hope your Grace will press the Consideration of these matters that some means may be found out for punish^g these disorderly people that are grown frantic with their own Licentiousness and fancy themselves out of the reach and power of the Gov^t. I am may it please Your Grace

Rec^d 7th } July 1729
Read 8th }

Your Grace's most obed^t & very humble Servant
Ar. Middleton

B P R O South Carolina B T Vol 3

C 38

To the Kingsmost Excellent Majesty

The humble Representation of your Majestys Council of your Majestys province of South Carolina

May it please your Majesty

Its with the utmost sorrow and concern that we of your Majestys Council in this province should find ourselves under a necessity of Representing unto yo[r] most sacred Majesty the present ill state thereof occasioned by a restless set of people who seem to have abandoned all Rule for Maintaining of Civil power Order and Society all regard to public Faith and at length to have totally neglected to make any provision for their own security, or to raise any supplies for the support and defence of this Your Majestys Government for twenty months past and upwards

It is by your Majestys Royal indulgence that we are permitted to make such Laws as are not repugnant to the Laws of Your Kingdom of Great Britain or do not affect your Royal prerogative or Injure your Majestys Subjects in their Trade or propertys

Such a Latitude as this is sufficient to make any people easy and happy who should improve such a power to a good use Your Majesty in the meantime guarding and protecting this Colony at your own expence but we cannot any longer avoid representing to your Majesty that there are a set of people in this province who are unmindful of all these your Maj[ys] Royal Indulgencys and forgetting the duty and allegiance they owe unto your

your Majesty have endeavored to trample upon the Royal authority in the person of your Majestys Commander in Chief and of your Council in this province in the most egregious manner

Your Majestys Commander in Chief and your Majestys Council for now two years past have been ever and anon been insulted by divers virulent resolves, Invective Messages and unwarrantable proceedings of the Representations of the people within doors and by seditious remonstrances and declarations of Tumults without doors and for no other reason but because we have refused to join with the Assembleys in passing of Laws diametrically opposite to His late Majestys Royal orders and Instructions highly prejudicial to Trade and the property of your Majestys Subjects both in Great Britain and this Colony and repugnant to an act of your said Kingdom made to extend to all your Majestys American dominions for setling and adjusting the Rates of Foreign Coins in these parts

We farther take leave to represent unto your most sacred Majesty that for this cause and this only The late Lower House of Assembly have in Manifest contempt of your Royal authority taken upon them to break up without leave and dispersed themselves so as not to meet again. And that without making any provision for the support or defence of this your Majesty's Governm! That your Majestys president and Comman^r in Chief having by the advice of your Majestys Council dissolved this Assembly for their high contempt offered to your Royal authority & being under a necessity of calling another Assembly to Meet in September last the Majority of them refused and neglected to meet

your

your Majestys President and Council to consult and advise with them upon the arduous affairs of this Province tho' duly summoned by Yo.r Majestys Writs for that purpose. so as the rest could make no House to transact the Public Business

By this method of proceeding the the payment of the Publick debts is totally neglected and we expect daily the desertion of all our Public Garrisons for want of pay

We have therefore taken upon us to lay all the particulars of these proceedings and transactions before Your Majesty in our further humble representation humbly beseeching that your most Sacred Majesty will be graciously pleased to cause a due Examination to be thereof had. and to give such proper Orders and Instructions thereupon as to your Majesty in Your great Wisdom shall be thought fit.

Ra: Izard
W.m Bull
A. Skene
James Kinloch
Char: Hart
B. Schenckingh
Benj.a De La Conseillere

Signed by His Majestys Council in my presence and with my approbation
Ar. Middleton

Rec.d 7th } July 1729
Read 8th }

B. P. R. O. South Carolina B. T. vol 3

C. 39

Copy of a Representation of the Council of South Carolina

To all to whom these presents shall come be seen or made known I Arthur Middleton president and Commander in Chief in and over his Majesties province of South Carolina send Greeting

Be it remembered that on the nineteenth day of December in the year of our Lord One thousand seven hundred and twenty eight and in the second year of the Reign of our Lord and Sovereign George the Second by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c The Honble Ralph Izard. William Bull. Alexander Skene James Kinloch Charles Hart Benjamin Schenckingh and Benjamin De La Conseillere Esq Members of His Majesties Council at a Council held at the Council Chambers in Charles Town did subscribe their several names to the Representation hereunto annexed directed to the King's most Excellent Majesty intituled the further humble Representation of your Majestys Council of your province of South Carolina in the presence of me the said Arthur Middleton In testimony whereof and in further testimony that I do approve of the said Representation so made to the Kings most excellent Majestie and of all other the proceedings and Instructions given by his said Majesties Council to Mr. Stephen Godin of London Merchant their Agent in relation thereto I have hereunto set my hand and caused the Great seal of the sd. province to be hereunto affixed the day and year aforesaid. Ar. Middleton

To the Kings most excellent Majestie

The further humble Representation of your Majestys council of your Province of South Carolina

Having humbly represented unto your most Sacred Majesty in general the disorderly and unquiet state of this your Majestys we beg leave to descend into the particulars and to show from whence such disorders have chiefly arisen To the end some speedy measures may be taken for suppressing them least we and the rest of your Majestys good and loyal subjects who have been always ready to pay all due obedience to your Royal Authority should share in the Calamitys and Confusions that a turbulent set of people would bring upon us as well as on themselves if your Majesty by your Royal Authority do not timely interpose and prevent it.

And forasmuch as those disorders & tumults do chiefly arise from the repeated and restless endeavours of the people to break thrô all measures whatever from time to time taken for reducing their currency in manifest opposition to all Acts Orders and Instructions that stand in the way we cannot any longer avoid tracing this scene of Iniquity from the begining.

We therefore take leave to Represent unto your Majesty that the former of Carolina under the Government of the Lords Proprietors having fallen upon a method of issuing out Bills of Credit instead of raising Taxes for the support of the Colony and paying the publick debts and having found that the power they had assumed by their Acts of Assembly of forceing them in their payment on the Creditors met with no greater opposition at the first then what they could bear up against They proceeded in the next place to strike thirty two thousand pounds in Bills and Issued them by way of loan to any person that would borrow them making them

in

in whole fifty thousand pounds then forced the whole of them on private as well as publick Creditors in payment of debts And enacted that the creditor who refused them should forfeit double the value of the Bills so tendered

That none of those Bills so issued by way of Loan were ever settled on any Fund or any quantum of Silver or other specie or Comodity ever to be given by the publick in liew of em but only a Mortgage of Lands or other personal security to be given by the borrower to pay in the same specie of Bills again to certain Commissioners by gradual payments in twelve years and those Comm^rs when they receive them were to cause them to be cancelled

That when those Bills first issued were the Staple Comoditye of the province was about Seventeen shillings & six pence p^r hundred and the debts outstanding bore a proportion thereto but what by Stamping & Multiplying of other Bills on the back of those long before those Bills were all called in they became so depreciated in their value that the Comoditys rose double and at last treble in proportion to what it was at the time of the Loan so that the borrowers not only got cent per cent and 200^l per cent by the Loan but paid off their old debts in the same specie and consequently all those who had debts outstanding lost in proportion to what the others had gained

This Act to give it a reputation was called the Bank Act and the Bills stampt by vertue of it were called the Bank Bills and the securities given to pay in those Bills as above were what they were pleased to call a Fund

After several breaches of publick Faith made with respect to their Currency before this time as will appear by the act itself repealing all their

former

273

former Currency acts they seemed to have a particular inclination to observe this Act inviolably and kept on sinking but then they stampt others as fast as they could in their room and as soon as they perceived that those sort of Bills called Bank Bills began to receive a value from the paucity of them the Borrower being obliged to pay what he had taken up in that sort of Specie they overset this imaginary Fund and gave the Borrowers liberty to pay off his debt in any other sort of Species they had, they had multiplyed from time to time on the back of the former and which additional Bills as appears by an Act passed the 11th of December 1717 then amounted to 54000 over & besides the Bills which remained of this their Bank Act so that in five years time they had sunk but 19200£ and had added 54000£

The Indian Warr breaking out in the year 1715 they raised the greatest part of this additional Currency to prosecute the Warr and under this colour forced them in payment on private Creditors when at the same time they had no intrinsick value in them but what arose from that force

That those Bills having no certain value annexed to them or anything to be given or exchanged in lieu of them in this their Bank Treasury or or elsewhere your Majesties subjects who traded to this Colony were most grievously defrauded of their just debts for they not only lost the profit which they might reasonably expect on their Trade but after waiting many years for a reduction of their now additional Bills agreeable to the assurances given by the Laws by which they issued them many of them did not receive ten shillings and some of them not five shillings in the pound of what was due to them and the Inhabitants of the

province

Province who had the misfortune to be lenders instead of borrowers met with the same fate for all the debts tho lent in proclamation Money were paid with this imaginary money of their own making having no real value in it but the nominal word pounds inserted in Capital Letters in the Bills to give them a reputation. that by the same means all Orphans who had any moneys left them by their Relations or friends were almost all ruined for by the time many of theme came of Age they had not a third of what was left them.

That the multiplying of these Bills had not only this ill effect that all who had former debts outstanding were defrauded but the People less fearful what debts they contracted still depending on the succeeding Assemblys for making more Bills which inhancing the price of their Comodities in proportion they still paid less then what they borrowed or were credited for.

That the loud complaints of the sufferers at length reaching the ears of the Lords Proprietors in the year 1717 they gave a peremptory Order to the Hon.ble Robert Johnson Esq their then Governor to insist on a Law to be passed for calling in and sinking all the said Bills of Credit

By this time the Assembly seemingly grew weary of the Bills themselves whereupon in compliance with the said order they passed an act of the 11th of December 1717 and in the body of this Law they frankly owned in the following words that it was found by experience that the Multiplying of the Bills of Credit had been the cause of the Ruin of the Trade & Commerce and had been the great evil of the Province and it ought with all expedition to be remedied

By this Law they agreed to sink all their Bills which amounted to

to 54000£ (over and besides their Bank Bills) in two years Viz.t by March 1718 their Bank Bills were excepted out of this Act being to be paid in by private persons who took them up by way of Loan and Cancelled so that there was a fair prospect of things returning to their Natural Order in a very short time But under pretence of emergency and unexpected charges on the 20th of Febr.y 1718 they repealed that Law and postponed the payment of 30000£ part of the said 54000£ and ordered it should be sunk 10000£ in March 1719 in Rice at 30s ℘ Ct. 10000£ in March 1720 in Rice at 25s ℘ Ct. & 10000 in March 1721 in Rice at 20s ℘ Ct. but the month before the first paym.t became due to wit the 13th of Feb.y 1719 there was a year given for each of the paym.ts The same 13th February 1719 they past an Act intituled An Act for encouraging planting and relief of Debtors whereby they made Rice their Staple Commodity a Tender in Law for Debts at 40s ℘ Ct. and if not paid in a year then in Rice at 30s but instead of sinking their Old Bills according to the assurances given by the before recited Acts in less than two years after they added Thirty four thousand pounds to their former Currency.

More particularly the tenth of December 1720 they took upon them to strike 19000£ in Bills of Credit called Rice Orders which was part of the 34000£ those Orders were payable in Rice at 30s forced in payment at that rate agreed to be paid off by the Comm.rs of the Tax at that rate and then cancelled but Rice rising to 40s they repealed the said Law one month before the orders were to be paid off whereby all that took those Bills lost 25 ℘ Cent and then instead of cancelling them they reissued the most of them again

To

To enumerate all the Laws and all the Breaches of Public Faith in relation to their Bills of Credit would be endless for it appears that the chief business of Assemblys for twenty years together Viz^t. from 1702 to 1722 was to pass Laws for stamping new Bills or to continue the old ones appointing new Methods for calling in and sinking these Bills and then repealing those Laws again according as they could secure their Elections and the interest they could make with their respective Governors, therefore we presume it will be sufficient to assert that they never observed or kept any one Law whatsoever that ever they made concerning their currency

That from six thousand pounds (for at first they were no more) they were now got up to 80000^£ and the course of Exchange which was but 25^s per Cent before any of these Bills were issued was now 500 ℔ cent that is to say 500^£ in these Bills of Credit were equal to no more then one hundred pounds sterling

That in the year 1721 the differences arising to a great heighth between the Lords Proprietors and the People his late Majesty was graciously pleased for maintaing Civil order in the said Province to take the Governm^t provisionally into his own hands and sent over his Excellency Francis Nicholson Esqr as provisional Governor

Great were the expectations that some steps would be then taken for restoring the Public Faith and obliging the Assemblys to comply with their Former Laws but the contrary soon appeared for His Excellency was prevailed on to join with them in an Act intitled an Act to raise the sum of 17248^£ and 6^d on Land and Negroes which

277

which passed the 20th of September 1721. By this Law in the first place they reissued the several sums of 7000£ + 8000£ in all 15000£ of the Rice Bills which they had promised to cancel. In the next place they made all the old Bills current without annexing any value to them whatever. Thirdly in stead of calling in the old Bills according to the former funds which was in Rice at 30s at the highest and to be done in three years at the farthest they took twenty years time to do it in. Fourthly they repealed all the Laws then subsisting for sinking the currency except the Bank Act on which remained only 3000£. And lastly they made this Law only declarative Viz.t that the sum of 4000£ of the said Bills should be annually called in and Cancelled by a Tax to be raised on Lands and Slaves but nevertheless raised no Tax nor appropriated any ~~ca~~ fund by this or any other Law for that end but left this to be done by after Assemblys.

Twas presumed that they had now got to the Heighth the Bills from 6000£ were now multiplyed to 30000£ all the old funds for sinking the Bills repealed no new ones provided and only a bare declaration or instruction to future Assemblys to provide for sinking them which if they should not would be still more acceptable yet they could not stop here for having discovered his Excellency's inclination to gratify them in making more Bills on February 23rd 1722/3 they passed another Act intitled An Act for reprinting the Paper Currency whereby they added 40000£ to their former Currency of 80000£ and made it One hundred and twenty thousand pounds and under *prepence of reprinting

* pretence

reprinting the Bills because they were old and defaced the forced all the old several species of Bills out of the hands of the Proprietors of them, then blended and confounded them together by forcing the owners of the old Bills to take new Bills in their Room so that no one could then after know to what class they belonged nor at what rate nor at what time when by Law they were to have been sunk. then they forced all these new Bills as well the additional 40000£ as the former 80000£ they had now changed in payment of private as well as public debts and by the same Law declared that on action brought for a debt the def! might give such tender and Refusal and that Act in evidence on the general Issue pleaded which should be taken and deemed as an absolute discharge of the debt and should perpetually bar the Plaintiff from recovering the same so tendered.

They

there

The better to force the old species of Bills out of the proprietors hands they declared by the same law that after the first of December then ensuing none of the Bills then oustanding should be a Lawful tender or of any value to any person that had them

After this by the same Law they declared that the additional 40000£ should be sunk by eight payments in Taxes, the first payment should not begin till the year 1738 and the last 1746 but at the same time raised no Taxes for doing it appointed no Funds for ascertaining any Value to such Bills this was a work left to the Honor and discretion of some after Assembly to do or not to do at pleasure

To give the better colour to this Law because some people to the northward (not a Twentyeth part of the Province) lost their Crops They

recite

recite in the Preamble that by reason of the late great Floods many of the Inhabitants had lost their Crops and most of them suffered so much that they were incapable to pay the Taxes, but how far this was from truth might be easily evinced by comparing the exports of that year with the several years preceding and making that Calculation from the begining of their Crops to the latter end

And it appears plainly the had liberty to act according to their inclinations, they would keep no measures or bounds for notwithstanding their currency was soe bad already that 500£ of those Bills was no more then equivalent to one hundred pounds sterl they would have added One hundred and twenty thousand pounds to their former 80000£ and made it up two hundred thousand pounds of this Imaginary money with 20000£ of it they were to pay that years Tax and the other 100000£ they were to lend people that were in debt to pay the Merchants with accordingly they ordered a Bill to be brought in for making up their Currency 200000£ and then resolved that after the Bill came in they would do no business till they had gone through with it which Bill would have passed without interruption had your Majestys Council shown any inclination to join with them in the project

The Merchants and others whilst these things were upon the Anvil to wit the 16th of November 1722 Exhibited a Memorial to the Governor Council and Assembly in behalf of themselves and the Merchants in Great Britain against the making these Bills wherein they Enumerate all the Acts that had been past without their

their currency and proceed to instance all the breaches of the publick Faith made by former Assemblys in relation to those Bills and how greatly they had been defrauded of their Just Debts

On the 8th of December 1722 this Assembly resolved into Committee of the whole House to consider of the said Memorial and in manifest opposition to all right and truth they roundly resolved that the laws past were no ways in breach of publick Faith That the Memorial was false and scandalous and destructive to the true Interest of the Province and concluded with a Jingle of Words That it was a base reflection on preceding parliaments proceedings and a high indignity to the present General Assembly and altho not the least Indignity was offered to their House or one word in all the memorial that reflected on their proceedings they ordered all the said Merchants to the number of Eight and twenty into the Custody of their Messenger the Merchants thereupon exhibited a petition to the Governor and Council that there being a Bill under consideration of the Assembly for Stamping one hundred and twenty thousand pounds paper Currency they had exhibited a Memorial praying to be heard against it and for this they had been committed into the custody of the Messenger of the Lower House that they apprehended that the right of petitioning in a Legal manner to Legal purposes appertained by Law and usage to all His Majestys Subjects and that thereby they might represent their humble sense of any new Law whilst it was under the consideration by which they thought themselves aggrieved and prayed to be

under

under the protection of the Government whilst they could be heard before them on the subject matter of their Memorial and that they might be at liberty to offer the Reasons why the Bill ought not to pass as being detri-mental to the Interests of this province and to such of the Merchants of Great Britain that trade thither

Whereupon the 13th of December there passed an Order of Council that they should be heard on the subject matter of the Bill on the Morrow after but that the petition should be sent down to the Commons House of Assembly with notice that tho' the petitioners were to be heard upon the subject matter of the Bill according to the pri-vilege of English Subjects yet they were to be returned into Custody and the privileges of the Commons preserved

The Lower House upon receipt of this sent a message to His Excel-lency wherein they acquainted him that they took this manner of proceeding to be a breach of the privileges of there house for that since they stood committed by their House they could not be released for any time but by the same power that committed them and that they would lay their reasons before them on the Morrow, accordingly the next day they proceeded to acquaint His Excellency that they looked upon these proceedings of the Merchants as a further indignity offered to them. they insisted upon their former Resolves and said that they conceived when any persons were in the Custody of the Messenger of their house their Imprisonment could not be released or suspended or anyways Ordered or Controlled by any other power in the

province

Province then that of their House That tho they were of opinion that petitioning in a Legal manner and method was the right of every English subject yet that at the same time they were of opinion that it was the undoubted Right of the House of Commons (as they called themselves) to punish the Petitioners for falsity scandal and insolence. And further took leave to acquaint His Excellency that it was their opinion that the method of the Petitioners proceeding was designed & contrived to create divisions among them but that they being truly persuaded & convinced of His Excellencys good intentions towards them and how much he had at heart the Interest of His Majesty and the Welfare of the Province they should always use their endeavors to suppress such attempts and whilst they were under his Administration they should take an opportunity of discountenancing those tumults and disorders which had been too frequent among them

So good an understanding was there at this time between his Excellency and the Lower House, his Excellency himself now openly avowing the project of stamping this Additional Currency insomuch that when the Bill came upon the debate His Excellency openly in Council to anticipate the Judgement of your Majestys Council in an angry manner spoke to Benjn. De La Conseillere Esq. one of your Majestys Council and told him that he had heard that he the said Benjn. De La Conseillere was one of those who have always opposed making Bills in this Province who answered His Excellency he had a great deal of reason for it and always should do it to the utmost of his power.

Thus the said Merchants could never be heard at all against the

the said Bill nor ever were heard but continued in Custody from day to day their petitions for Inlargement rejected by the said Lower House of Assembly under pretence that they were not submissive enough and for that they would not acknowledge their fault as they were pleased to term it and in order to make their Imprisonment as Expensive as they could the said Lower House of assembly increased their Officers Fees upon them whilst they were in Custody and resolved that tho they petitioned Joyntly they should pay as for seperate petitions so that the charges of their Imprisonment amounted to near 300£ Sterl and the Bill for adding 40000£ to their Currency went forward and was passed - The Evil consequence of this Bill soon after sufficiently appeared for at the same time of passing this Bill the course of exchange was five for one and in less than one year the Merchants were forced to give seven hundred pounds in these Bills to purchase a Bill for one hundred pounds Sterl by this means they lost above thirty ⅌cent by all their outstanding debts and consequently all persons in debt who are always the promoters of these Bills gained so much as the others had lost so that it is no longer a secret why the people are ever more raging after these Bills. nor is it any secret in any of your Majesty's plantations wherever paper Credit is made. why your Majesty's Governors evermore join with the people in those projects

The Merchants had no remedy left but to apply to His most sacred Majesty as the supreme fountain of Justice and acquainted their Correspondents in Great Britain with these transactions, whereupon divers Merchants trading to these parts in August 1723 laid their Complaints before

before His late Majesty and the said Matters coming to be heard before their Excellencys the Lords Justices on the 27th of the said month They in their goodness and Justice ordered that the said Act Intituled an Act for raising the sum of 17248£ on Lands and Slaves as also the said Act Intituled an Act for reprinting the present Current paper Bills of Credit and for printing the additional sum of £40000 &c to be repealed and their Excellencys the Lords Justices did likewise by their Letter of the 5th September 1723 to his Excellency Francis Nicholson Esqr enjoin the said Governor to not give his consent on any pretence whatsoever to an Act for encreasing the Currency of Paper Credit nor for altering or diverting the Funds establish'd by former Acts of Assembly here for the gradual payment and sinking of Bills of Credit or Rice Bills issued before His Majesty re assumed the Government and did thereby require enjoin and direct him to propose to then Assembly to settle effectual funds for the speedy sinking of such additional Bills of Credit as had been Issued on pretence of the Acts abovementioned

His Excellency on the second of December 1723 caused due publication to be made of their Lordships repeal and lays them before the Assembly And by his message to the assembly of the third of December 1723 earnestly recommended them to find out ways and means as soon as possible to comply with their Excellencys the Lords Justices most Just & reasonable proposals but instead of this in open defyance of the said Orders of their Excellencys the Lords Justices which put a stop to the Currency of their Additional 40000£ by repealing the said Act on the 13th of Decr 1723

285

1723 they resolved in the Lower House of Assembly that His Excellency the Governor should be addressed to enforce their Currency notwithstanding

The better to obtain such a Resolve one of their Members falsely informed them that a Committee of your Majesties Council was of the same opinion and by their Message to his Excellency pray that they may be made Current by Law most preposterously Inferring that in so doing they should pursue as near as may be the intentions of their Excellencys the Lords Justices who (as they said) made no doubt of the Currency of the said Bills since they recommended the speedy sinking of them. but it was so very gross that His Excellency made answer that as to making the Bills Current which were already repealed He was sorry that he could not consent to it being contrary to their Excellencys the Lords Justices directions in their Excellency's Letter and the Order of Repeal to which he referred them But appeals to them for the necessity there was to make those Bills and advise them to pass a petitionary Law for supporting the Credit of them which your Majesty council would no ways give way to.

Thus have your Majestys Council been always harrassed between the Governor and the people who evermore went hand in hand in those unjustifiable projects and whilst Your Majestys Council have endeavored to oppose such proceedings Are openly stigmatised by the people as enemys to the publick Good as they call it and at the same time looked upon with an Evil Eye by the respective Governors as acting in Opposition to their Interest

That the Committee of both houses having met at divers times to take under their Consideration the method for sinking the said Bills formed

formed several schemes for that purpose all which schemes tended to a general Reduction of the Bills in Eight or Nine years at the farthest by Taxes to be raised in Rice at certain Rates so that the proprietors of the Bills might have satisfaction for them to be paid in the produce at certain rates according to the value for which they issued them and which (if it had been so settled) was exactly and literally complying with the orders of their Excellencys the Lords Justices agreable to their former Laws and answered the end of the Trading Bill which was all they desired that since they forced those Bills upon them in payment they would comply with their own Laws and sink them again at the rate they issued them

Those schemes were agreed upon by both Houses and His Excellency thereupon addressed wherein they expressed their highest gratitude to their Excellencys the Lords Justices for leaving to them the method to settle effectual Funds for the speedy sinking and discharging their Additional Bills of Credit and testify their ready and due obedience to their Excellencys the Lords Justices orders and humbly desired His Excellency would be pleased to pass a Bill agreable to the scheme there mentioned to which his Excellency consented but when the Bill was brought in and that part of the scheme which made Rice a Tender in discharge of private Debts came to be debated more maturely it appeared that the Merchants hands were bound up and the debtor entirely at his liberty for by the Bill as it then stood. the debtor was at liberty to discharge his debt in Rice or Bills of Credit at his Election and as he saw it most for his advantage and the Merchant was forced to take the one or the other, which the Debtor should think fit to offer

That

That rice being a commodity very uncertain here in its value according to the plenty or scarcity of a Crop and the number of shipping there is to take it off Sometimes rises to Three pounds ten shillings and other times falls to 40^s or less so that if the planter could sell it for three pounds when the tender was to be made at 40^s he should evermore sell his produce and discharge his debts in the Bills and if the Rice sells under that price it was to be tendered at he could be sure to pay off his debts with the commodity and thus the Merchants might lose 30. 40. or 50 ꝑcent in the Receipts of his debts every year which was such an apparent Injury and violation offered to peoples property That your Majestys Council could no ways give into and the Lower House of assembly finding that this part of the scheme for protecting the Debtors agst the Creditors met with such opposition they were resolved to drop the whole tho' never so equitable and all that could be obtained from ye Lower House of assembly at the last was to pass an Act intitled an Act for calling in and sinking the paper Bills but in fact appoints no more to be sunk than the additional 40000^l they had added and the 15000^l they had re-issued in all 55000^l and those were to be sunk in duties and not to be re-issued upon any pretence whatsoever But enacts that the remaining 53000^l should be still Current until such time as an effectual provision could be then after made for calling in and sinking the same pursuant to the resolution of the General assembly in that behalf so that part of their Lordships Order which directs the Governor not to give his consent on any pretence whatsoever for altering or diverting the funds established by former Acts of Assembly here for the gradual

sinking

sinking such Bills of Credit is entirely evaded under pretence that the time for sinking them by such funds were expired before the Repeal took place and their Lordships order which says they shall not divert the old funds does not direct them to appoint new ones on the other hand by reason of the additional 40000^{l} + 15000^{l} being made payable in dutys they continue as current as ever Thus have their Lordships orders been baffled and set at naught and we take leave further to observe by reason of the violent opposition made to the sinking those additional Bills by the Lower House of Assembly not above 13645^{l}. 00^{s}. 00^{d} have ever been sunk even to this day tho' tis near five years since the said Act passed for calling in these Bills and tho' the dutys appropri-ated for that end amount Communibus Annis to Fifteen thousand pounds at least

Your Majestys Council further take leave humbly to represent unto your most Sacred Majesty that after the Assembly had endeavored to lull their Lord^{ps} with protestations and assurances of their effectually complying with this last mentioned Law And had in the body of the same law declared that twas in testimony of their desire to give obedience to the said orders of their Excellencys the Lords Justices and had wrote Letters to the Right Honble the Lords of Trade and plantations of their unfeigned intentions to provide effectual funds for sinking the residue yet in less then fifteen months vizt 27 May 1725 and before they had sunk one sixth part of their Currency they proposed to add to it 4000^{l} and make it up to 20000^{l} more than it was before their Lordships had repealed the said Law which your Majesties Council thought fit to reject and at this time their Bills were so bad that some of their Bills was not or now is

equal

equal in value to three shillings in value as appears by the report of the Committee of the Lower House the 8th of April 1725 and the 27th of May following when they could not obtain this

In order to defeat the said law the 24th of November following they applied to the President to join with them in an order to the Treasurer not to burn the Bills raised by the Bills and appointed to be burnt by the said Law which his Honor refused being in manifest contradiction to the said Act

And in the close of this Sessions viz.t the 16th of December 1725 to show that they had no more regard to His late Majesties Instructions then they had to the orders of their Excellencys the Lords Justices they resolved that your Majestys Council should have no power to make any alteration in Tax Bills notwithstanding they were fully apprised by Your Majestys Council of the 35th Article of the said Instructions both before and after such resolutions which vests that power in your Majesties Councils hands, and their denying such a power to be in your Majesties Council was contrary to all former usages in this Colony to justify their Conduct in that matter their Speaker by the direction of their House made a speech on tendring the Tax Bill wherein most apparently resting the sence of his said late Majesties Instructions they declare that Money Bills mentioned in the said 35th Article must mean their paper Money Bills and not Bills for raising of Taxes, that finding these attempts made on your Majesties Commander in Chief and Council to join with them in the utter defeating the Laws made for sinking the said Bills to prove ineffectual they have laid hold of all opportunities to distress your Majesties Commander in Chief and us of your Majestys Council

Council in the greatest Extremities to comply with their unfavorable requests and put us under the fatal dilemma of disobeying his late Majesties Royal Orders and exposing a part and sometimes the whole Province at Stake on our Refusal.

Thus when your Majesty's Fort at Matamaha was by accident destroyed by Fire and your Majesty's Subjects there Garrisoned lay daily in danger of being cut off by the Indians and Spaniards they refused to come into any effectual measures for raising any supply by tote or otherways save out of the moneys then in the Treasurers hands to be sunk pursuant to the said Law and the Government wanting five thousand pounds for that end they declared they could not concur to have it sunk again till his Majesty should repay the same which your Majesty's President and Council was forced to submit to in so great a Calamity and which obtained they frequently afterwards made use of as a reason to cause the rest of the Bills to be reissued.

On the 15th of December following they sent up another Bill for enlarging their Currency to 86100£ more which his Majesty's Council rejected notwithstanding which they appointed a Committee. Repeat their Instances and resolved in a Message to the President that they would proceed on no business till they had an answer and renewed this resolve to Your Majesty's Council. but your Majesty's Council refused to give them a Conference on a subject Matter (as they told them) which was contrary to His said late Majesty's Instructions they then desired conferences on the state of their fortifications and Indian affairs still mixing the matter of their Currency

Your

Your Majesties Council thereupon agreed to raise a Tax for repairing the fortifications but absolutely refused to do it out of the money appointed by Law to be sunk upon this they set on foot another scheme for enlarging their Currency with a Message insinuating that their lives and fortunes were at stake in case of a Warr and yet would not raise one penny beyond the ordinary charges of the year to protect or defend either but put the whole fate of the province on your Majesty's Council refusing to re-issue the Bills The Tax Bill was all this while postponed so that your Majesties Council was obliged to join a Committee on their Scheme in order to forward the Tax Bill but reported that they found it unreasonable and impracticable and manifestly tending to the injuring your Majesties Subjects and therefore rejected it

That the assembly finding your Majesty's Council were determined by the Law passed for the calling and sinking only the additional Currency and to make no alteration without special leave obtained from His Majesty in that behalf The Tax Act passed in their House with great difficulty (being carried but by two votes) and now what could not be done within doors must be done by Mobs & insurrections without doors your Majesties Council were represented to the people as persons obstructing all measures for the publick Good (for making paper Bills & repealing all the Laws that ever were made for sinking them has gone by that name for twenty years past) Whereupon Mr Thomas Smith one of their Members and one of the Chiefs of the Rioters was pleased to declare that now there was a necessity

for

for a Bold stroke And that some men (meaning your Majestys Council) must be put into Bodily fear for that the assembly had often tryed but that they never could serve their Country from this time they put them-selves into Conspiracy and associations to maintain and defend each other in refusing to pay the Taxes and prepare a representation directed to His Honor the president and Your Majesties Council containing severe and insolent Invectives accompanied with threats in case they did not obtain relief and conclude that had their Burthen been tolerable they would have been easy but who would suffer oppression when they had it in their power to free themselves. Upon discussing this remonstrance their Grievances will appear to be reduced to these two points Viz. Your Majestys Council insisting that the 15000£ therein mentioned &c should be sunk according to the Law found on their Excellencies &c the Lords Justices Orders and in so doing your Majesties Council therein openly charged with a design of ruining the Province the others that Your Majesties Council have obstructed the making a sufficient quantity of Bills for the trade (as they call it) but in truth to pay their debts with wherefore the Riotors resolve in the Rebellious Stile of redressing themselves as God should enable them

His honor the president by the advice of your Council issued a proclamation commanding them to disperse to which they paid no regard but continued to meet in defiance of it

Whereupon the Honble Alexander Skene Esq one of Your Majestys Council committed one Thomas Smith one of their Chiefs, being met with

divers

divers others at Worchester where the said Proclamation was posted upon this they increased their Multitudes so that His honor the President thought it necessary to go in person and after some reasoning and consenting to the releasing Mr Smith they promised to disperse and burn their remonstrances Notwithstanding this they sent two of their Chiefs one William Waites and John Jones to deliver the above representation but your Majestys Council (being apprized what it was having seen a Copy of it) out of meer tenderness to them and hoping they would be reduced by fair means advised them not to offer any papers which the Board could not in Honor receive and would be dangerous for them to present upon this they promised to return to their own houses and in hopes there would be an end to these Tumults the said Smith was released But in a few days after Viz! in the beginning of the Month of May they got together about Two hundred men who marched to the Town on horseback headed by their Chiefs Viz! William Drake George Pawley John Jones William Waites Thomas Smith Daniel Dunovant Samuel Sanders & John Moore The two first rode up to the Council Office and delivered the foregoing representation very little amended with swords by their sides and pistols under their Arms to his Honor the President in the Council Chamber to the great terror and amazement of all the Inhabitants of the Town The President fearing to make an alarm or to seize them least the people should destroy one another and least the weakness of the Government should be exposed in case he should fail in the attempt upon the Presidents acquainting them he could give no answer thereto without the advice

of

of his Council or to that effect they departed from the Town but continued their Meetings and associations and particularly on the 5th of July met at a place called Watboo about 30 Miles from Charles Town to the number of between 20 or 30 where his honor the President having sent one Col Drake to demand the occasion of their meeting they returned this Insolent answer that they knew of no Law against the meeting that they met there for the good of the Province and the best way to prevent their Meeting was to call an Assembly. soon after this they resolved on a General meeting from all parts at a place called Cups Savannah about 22 miles distant from Charles Town and within two miles distant from the Presidents House on which the President issued a new Warrant against several of the Ringleaders as likewise a Proclamation forbidding the said Riotous Meeting

We further take leave to represent to your most Sacred Majesty that amidst these disorders and tumults Landgrave Thomas Smith the fifth in Rank of your Majestys Council sought an occasion of getting himself proclaimed President under pretence of being named one of the first of your Majestys Council in the Commission for trying of Pirates altho its very obvious that his late Majestys Commission that does constitute and appoint him one of the Commrs for Tryal of Pirates does not constitute him to be one of Your Majesty's Council nor did any of the other Gentlemen there recited to be such ever claim any place at that Board for that by his late Majestys Commission and Instructions to his Excelly Francis Nicholson Esq Governor the power of nominating and appointing your Majestys Council was vested in the said Governor who appointed them

them accordingly and the said Landgrave Thomas Smith took his place at that Board accordingly as the fifth in Rank and never contested that matter till towards the end of Govr Nicholsons Administration which lasted four years when some differences arising between him and the said Governor he wholly absented himself from that Board. But he thought this a fit opportunity for the mob had no Leader nor Colour of authority for what they did or intended to do

On this occasion his honor the president having called the members of Your Majesties Council together in Charles Town he discovered two original Letters under Landgrave Smiths own hand and all of his own handwriting directed to one Capt. John Croft in Charles Town the 8th of June 1727 and the other the 10th the purport of which was to inform the said Croft that the meeting that was to be at Dry Savannahs was by consent put off till Tuesday then next because (as he says) the time appointed which was the Tuesday before was not sufficient to get a Body of People that he heard sudden news in Town of the Countrys coming to Town to make a revolution what might be in time he says he could not tell but there were many people who were aggrieved in the Country could not so soon get into a Body and desires to know who they are that vindicate Middleton and his sham Councellors (as he was pleased to call us) and what the Town thought of the present times. In that of the 10th of June he acquaints Crofts that he heard that the Captn of the Man of Warr and Captn Massey had offered the president their assistance in case any Body should oppose him as also the Town Captn if the

president

president would come to Town to head them but says if they should stand to vindicate the president in his usurped power the Crown would call them to account for that the Laws of God and Man forbid obedience to an Usurper

Upon this discovery the President caused the said Landgrave Thomas Smith to be apprehended by the Town Constables assisted by some of Captn Ansons men for High Treason in endeavoring to raise an Insurrection in Your Majestys Governmt and levy Warr against Your Majesty and caused a general Alarm to be fired to discover the sentiments of the Country with orders for several of the Companys to march to Charles Town to oppose such attempts which broke the meeting at Dry Savannah. But divers of the Rioters who were to have met at Dry Savannah joined themselves with the Goosecreek Company commanded by one Captn William Dry who with his company had been commanded to march to Charles Town in order to break that meeting and not from any service the Government expected from them most of them being concerned in that General Meeting themselves The Provost Marshall who had Warrants for apprehending several Rioters particularly one Jones he espied the said Jones marching with the Company and demanded the assistance of the Captain in your Majestys name in apprehending the said Jones but several of the Company immediately surrounded him cocked their pistols at him and threatened to take his Warrant from him others assaulted and beat both him and his deputy and put him in such terror of his life that he could not execute his Warrants.

And being ordered to halt about six miles distant from the Town they

they deputed the said Captain Dry and two others one Tobias Fitch and one John Palmer who came and delivered several insolent papers and declarations to your Maj^tys president in Council At first a declaration wherein they say they were ignorant of the Landgraves intentions and believe it to be only an artful amusement (meaning of the Government themselves) declare their abhorrence of any such unjustifiable proceedings but impudently insinuate that the province was at the brink of Ruin from the Grievances they laboured under signed by 98. As likewise another insolent paper or declaration setting forth that the Subscribers with all the humility that his Honor the president could conceive desire to know whether Thomas Smith one of their Representatives (who had been apprehended on a second Warrant to prevent their meeting at Dry Savannah) being detained in Custody was for no other reason then inducing some people to petition This was the name they gave the representation before mentioned being full of invectives against your Majesties Council and charging the whole Government with raising unjust Taxes and threatening to redress themselves. they proceeded therein to recite the Votes of the House of Commons in England in 1681 about the Subjects right of Petitioning declare that they could not think of (without a just abhorrence) the manner of Landgrave Smiths being apprehended (meaning that Captn Anson's men were employed in assisting the constables) and declaring that not only they but the rest of the Officers would lay down their Commissions unless the Assembly were forthwith called and the peoples grievances were redressed. If so that none would act more ready in their Stations to which they were appointed

At the same time they acquainted your Majesties president & Council in a

in a haughty and imperious manner that they were sent by the people and peremptorily required an immediate answer that it was what the people expected who were now waiting for it at a place called the Quarter House about six miles distant from Town and that with so much Heat and passion that made Your Majestys Council to ask them if they wanted an answer to their papers before they could be read the same time the said Tobias Fitch in a loud haughty and imperious manner demanded satisfaction for the affront they had received from the Provost Marshall who indeed after the opposition he had met with in executing the said Warrants had called them Rebels and Traytors as he thought they deserved the said Fitch proceeded to tell his honor the Presi-dent that he demanded the Provost Marchall should be immediately sent for before the said Fitchs face then at the Council Chamber for that he would not stir till it was done. but your Majestys Council ordered them to withdraw and call at two of the Clock. In the meantime they would read and consider of their papers for their Insolence was grown to such a height that it was not safe or practicable for the Government to apprehend them.

That finding at length they could obtain nothing by force they abate of their style and present another petition called the Petition of the Inhabitants tho there was not above sixty hands to it setting forth that they labored under great difficulties and Greivances from the irregularities of the Courts of Justice the uncertain regulation of the Currency and that they were apprehensive that this years Tax would not be paid in on account of some mistakes about the Tax and the uneasiness of the people on account of the ways and means taken in raising it. that they were afraid of a Warr and the ill state of

the

299

the fortifications and the guardless condition of the frontiers put them under great apprehension of danger and praying the consideration of the premises and relief. The president and Council being fully apprized that their whole Ends and designs now they had inflamed the multitude was to force the Government to fall into their measures about the Currency and that this Petition had been set on foot by several Seditious persons for that End they were no ways fond of calling an Assembly at this time and the President thought it absolutely necessary to issue a Proclamation in Vindication of Your Majestys Council who had been openly traduced by the Ringleaders of the faction of the people as obstructing all means consulted for the Public Good on account of refusing to pass those Laws sent up by the Lower House of Assembly the last Sessions for enlarging the Currency expressly contrary to their Excellencys the Lords Justices Orders before mentioned

That whilst the people were actually under Arms or before they had dispersed they took this opportunity in defiance of the Government and all the Proclamations they had issued to post public Advertizm[ts] on the [?] high roads to invite all others into their rebellious Associations and publicly appointed days and places of their intended Meetings and therein they make use of your Majestys interest and service to countenance their Tumults & Rebelliously insinuate in the Close as if it were in their power to subvert the Government tho they cautiously provide against making use of their power to that end his Honor the President thought it high time to dismiss this Company who instead of serving the Government not only protected the Rioters but openly insulted the Government as above

wherefore

wherefore he sent there Coll Jonathon Drake with orders to discharge them who did actually discharge them accordingly notwithstanding this after he had so discharged them they continued in the High Roads hoisted Flags and at length went several of them in a Body to the house of one Joseph Fitch (Brother of the said Tobias Fitch) there set up a White Flag and either there or about this time held formal Consultations and debates for seizing two of Your Majesties Council (The Honble Alexander Skene and Benjn De La Consuillere Esq^rs^) by way of Reprisall as they call it for one Thomas Smith one of their Chiefs who was now in Custody. This they formally and solemnly put to the Vote and carried it in the affirmative and the said Tobias Fitch offered to head them for that purpose so that the said Alexander Skene Esq against whom their Resolution was chiefly levelled was forced to be conducted to his plantation by Water by Captn Ansons men armed to avoid their fury and Your Majestys Council were afterwards informed that after they had come to this resolution they debated among themselves what should be done with the Members of Your Majestys Council after they were so taken this they could not tell themselves so let it drop

That the Merchants and others concerned in Trade who were afraid that the not calling an Assembly would be made use of as an Argument by the Ringleader of these Riots to induce the People to make new Commotions and involve the Government in more confusion after having addressed the President expressing their concern that any attempts should be made to subvert the Government and declaring their abhorrence of such a Crime they by their petition to his honor the President and

Your

your Majestys Council set forth that the calling an Assembly might probably quiet the uneasiness of the people and induce them to return to their habitations giving for other reasons that they were daily under the apprehension of a War with Spain whereupon a proclamation then issued for calling the Assembly the first of August then next to gratify the Merchants that the Government had little expectation from this Assembly the greatest part of which now openly favoured these tumults under pretence of supporting the Subjects right of petitioning

The Assembly meeting accordingly on the second day of their meeting they proceeded to pass several resolves highly reflecting on Your Majestys president and Council insinuating as if they had denied the people a right of petitioning and likewise resolves for censuring the last mentioned proclamation of the 16th of June and roundly resolved (against all truth) that they had never proposed any Bills at their former Sessions contrary to His late Majesties Royal Orders and Instructions althô it appeared by their own Journals that on the 15th of December 1726 they had sent up a Bill for adding 36100£ to the Currency which your Majestys Council had sent down rejected and althô they had spent most of the last sessions in contriving Schemes for enlarging their Currency and for reissuing of what was to be sunk in Breach of the Act passed pursuant to their Lordships orders for calling in and sinking their Bills notwithstanding his Majesties Council had fully apprized them of their Excellencys the Lords Justices positive orders against increasing the paper Currency under any pretence whatsoever after they sat and

received

received all the Tumultuous petitions from the parishes of St James Goose Creek Christ Church St Johns St pauls and St Bartholomews five in all signed by about two hundred and odd persons most of them of the meaner sort the substance of all the petitions being much the same viz: to encrease their currency or to set a rate on Foreign Coynes according to the present standard of their Bills and thus to have altered all the prices set upon Foreign Coyn by the Statute of the Sixth of Her late Majesty Queen Anne to pass laws in some measure to screen them from their Creditors and to obtain some justification of their Tumultuous meetings and petitions

Which petitions being read the several persons who brought them were ordered by their House to attend and the Speaker very formally acquainted them that their petitions had been read and that the House would consider them in due time and then the Assembly gave out attested copys of all their invective Resolutions that they had passed against Your Majesties president and Council to the Chiefs that they might carry them home to the rest of the Rabble in Order to influence them & inflame them the more against Your Majesties Council and to let them know how well they approved of their proceedings without doors

The chief business that lay then before this Assembly was to consider of proper measures to be taken concerning the Creeke Indians who had made several Irruptions and murdered several of the Inhabitants They reported it necessary to raise men and build Forts, but when they defray the expence they reported that in order to support the charge and proceed to the purposes aforesaid that the money to be

to be burnt be coined by way of loan and that the dutys arising by the sinking Funds be applyed to the same purposes till the Warr was ended so here was nothing to be done unless your Majestys Councel would agree to defeat that Law which was passed in pursuance of their Excellencys the Lord Justices orders for sinking the said Bills. The next thing they took in hand was a Memorial of Landgrave Thomas Smith who had so far debased himself and the honor of this Board as to apply himself to the Lower House of Assembly for Relief and Redress the purport of his Memorial was to complain to them of his ill treatment as to the manner of his being apprehended as if it had been anything strange or new for the Military power to assist the Civil to apprehend offenders in like cases who had formed a design of oversetting the Government the next part of his Memorial contained a complaint against the new Chief Justice that he would not grant him a Habeas Corpus in vacation at his Chambers and which if the Chief Justice had done he must have taken upon him more then the Habeas Corpus Act authorized him to do persons committed for Treason expressed in the Warrant being particularly exempted out of the Act from having the benefit of the Habeas Corpus in Vacation and after flattering them in the pompous stile of Conservators of the Liberty of the People he concludes his Memorial with praying that they would be pleased to declare him within the Habeas Corpus Act which his Councel learned in the Law was ready to make appear before the House.

It appears that the Landgrave had no small encouragement to enter on such Affairs when divers of these Legislators. the assembly not then sitting had by their two representations before mentioned declared themselves

to be

to be seized with two sorts of Abhorrences, for tho by their first declaration of the 14th June 1727 they declared their Abhorrence of any such unjustifiable proceedings yet in their second declaration of the same 14th of June they declare they could not think of it without a just abhorrence the manner of his being apprehended and accordingly they came to a Resolution on the 3rd of August 1727 of taking the said Memorial under consideration and appointed the morrow at 10 of the Clock for a solemn hearing before their House.

His Honor the president being apprised of this unwarrantable proceeding sent them a Message wherein he acquaints them that he was informed that Landgrave Thomas Smith then in the Marshals custody and charged by the Chief Justices Warrant with High Treason was to be heard by his Counsel at the Bar of their House with respect to the legality of his Committment and his right to a Habeas Corpus and therefore demanded an attested Copy of the Landgraves Memorial and of their Resolves thereupon, of which they took no matter of notice. His Honor the president then seconded the said Message by another and required and commanded them in yor Majestys Name that they forthwith complyed with the said Message and likewise demanded a copy of their Resolves they had made on his proclamation before mentioned of the 16th June. To which they sent for answer that they had received a Memorial from Landgrave Thomas Smith and had come to Resolutions thereupon which were entred in their Journal and that they had likewise past a Resolution upon His honors proclamation of the 16th of June last and that had his Honor desired Copys instead of Demanding, Requiring and commanding them they should readily have sent them to his Honor however they had directed their Clerk to deliver

Copys

Copys of them to any person his Honor would direct to receive them.

After this on Friday August the 4th they directed the Clerk to the Crown to produce to their House what papers he had in his office relating to Landgrave Thomas Smiths Committment and the proceedings thereupon and then ordered that the Chief Justice should have notice to attend their House and sent two of their Members to desire his attendance at the hearing which he refused to give hereupon the president Commanded the Immediate attendance of their House in the Council Chamber where being come he acquainted them that he was sorry to find from their own Message that they were going upon the affair of Landgrave Thomas Smith an affair that so much affected Your Majesties Prerogative that he was obliged to take notice of it a thing unprecedented in Great Britain or any of His Majtys plantations that they well knew what he was committed for That it was High Treason a matter examinable only in the Kings Courts and nowhere else that the next week the Court of Sessions sat where he might have all the benefit of the Habeas Corpus Act that by Law he was entitled unto Therefore commanded them in Your Majestys name to desist from any further proceedings for that he would not suffer your Majestys Royal Prerogative nor your Majesties Courts to b be trampled upon Whereupon they withdrew and soon after at their request his Honor the president sent what he had said to them in writing with this addition that he now further told them that the Habeas Corpus Act does sufficiently a provide for the Relief of the Kings Subjects and whether Baylable or not Baylable in a particular case where a person was committed for High Treason the Cognizance thereof did belong to the Kings Courts only and was not within

their

their province therefore he concluded that he could not sit at the head of Governm^t and see its rights so notoriously invaded under false notions of Liberty and property and that he would not suffer such violation of your Majesties prerogative in his Administration. to all this they paid no manner of regard but immediately proceeded in a Pompous manner with their Doors flung open and Crowds of people waiting in and all round the House Balconys and Windows to know the fate of their Resolves on this mighty hearing wherein waving the former part of the Landgraves Memorial as to the manner of his being apprehended they confined themselves to examine his right to a Habeas Corpus and Bayle and hear Councel throughout altho his Councel could not produce a single instance of any persons being ever Bayled at a Judges Chambers out of Court where he stood charged and Committed for High Treason

His Honor the President not being able to sustain under these indignities did unanimously agree with Your Majestys Councel that they ought to be immediately dissolved but as we were daily under apprehension of some Irruptions intended to be made against us from some enemy Indians from the Spaniards at Augustine we could not do it in so hazardous a Juncture so they were only prorogued before they came to any resolution upon this solemn hearing. This Assembly stood prorogued till the second of September but his Honor the President having received several Acc^ts of the Murders Committed by the Yamasee Indians on the Southern Frontiers a Proclamation was issued by the advice of Your Majestys Councel the 18th of August for calling ye Assembly to meet the 23rd. By his Speech to the Lower House of the 24th he acquaints them of the Calamitous circumstances of the Southern parts, reminds them of

307

of former promise of taking effectual methods for guarding the Frontiers and told them, it was for this only he had called them together. The Lower House returned thanks for the care he had already taken and promised to concur in everything that might contribute to the safety of their Southern Frontiers, but take notice of the last Proclamation and that the calling of them again would make it evident to the World they had not deserved those Epithets but to shew how willing they were to preserve a good understanding would consider of the most expeditious methods that could be thought of to oppose the designs of the Indians The Committee upon the Indian Affairs report it absolutely necessary to raise 300 Men but as soon as ever they came to the Expence, they still report that in order to support the great Charge, and proceed to the purposes aforesaid ... that the money to be Burnt be issued by way of Loan and that the dutys arising by the sinking Fund be applied to that purpose till the loan be ended which the majority of Your Majestys Council was prevailed on to consent to against their inclinations upon their agreeing to repay the Money again out of the Dutys for that they found the assembly could be brought to no measures without it dissenting nevertheless the Honble Ralph Izard and Benjn de la Conseillere Esq^rs who insisted more justly that it ought to be done by Tax

The affair of the Indians taking up much time and nothing certain concluded on for several days the President acquaints the Lower House twas chiefly for bringing the Indians to reason and securing the Southern Frontiers that he had called them together to which they answered that they never heard that Assemblys were confined to what

they

they were to do so they had without loss of time passed and sent up a Bill for promoting and carrying of Silver and Gold and was a Bill as they thought of so much consequence to the General Welfare as to Merit our Consideration nay that it was their opinion that the passing of it would contribute to perfect the ~~se~~ present Expeditions. The title of this Bill was a Bill to promote the Currency of Gold and Silver by fixing the Value thereof in the present paper Currency or Bills of Credit according to a just proportion as the Exchange now standeth By this Bill they proposed and took upon them to settle and adjust the rate of Foreign Coins in South Carolina which had been done throughout all your Majesty's dominions in America already by an Act of Parliament passed in Great Britain in the Sixth year of Her Majesty Queen Anne Intitled an Act for settling the Rates of Foreign Coins in America and tho' the very Statute was passed in Great Britain as appears by the Preamble to prevent the giving any Encouragt for drawing the Foreign Coins from one Plantation to another yet they were now resolved to promote it and conclude their Act with a general Obstante of any Law to the contrary a power we believe that none of the rest of Your Majesty's Plantations ever assumed since the passing of that Law when at the same time a Clause was inserted in the said Statute of Queen Anne that your Majesty's Subjects in America should not be compelled to take them even at the prices mentioned in the said Act By the said Bill they took upon them to settle the rates of the British Coin Wherefore Your Majesties Council by the Message of the 16th of September acquainted them that the Bill being directly contrary to the said Statute and to his late Majesty's Royal Instructions to the Governor here enjoining the

the due execution of that Law they could not agree to pass it

Notwithstanding this they desired a Committee of your Majesty's Council to join them to which they condescended and then by our Message of the 20th September we further acquainted them that we were of opinion that was exceeding the said Act of Parliament we sent them the Copy of His late Majesty's Instructions enjoining the due execution of the said Statute We sent them likewise the 17th Article of the same Instructions which expressly enjoins your Majesty's Governor not to give his Consent to the passing of any Bill of an unusual and extraordinary nature whereby your Majesty's prerogative or the Trade of this Province may be affected without inserting a saving clause in such Bill till your Majesty's pleasure could be signified thereon and finding the publick business obstructed condescended so farr as to tell them that we would pass it with such a saving clause so that the Bill had no retrospect to pass debts and without which saving clause we told them we neither could or would pass it We likewise sent them ye 29th Article of his said late Majesties Instructions enjoining the President (for the time being) to forbear to pass any Law in the absence of the Governor but what are immediately necessary for the Peace and Welfare of the said Province without His Majesty's particular order for that purpose This Message was signed as well by the President as by one of Your Majesty's Council in the name of the rest to let them know they were unanimous in that opinion neither was it any new thing for Your Majesty's Governor to sign Messages giving reasons for refusing to pass Laws before they were tendered to the Governor for his Assent and

and that exclusive of the Council very often. neither was it any new thing to them for in Gov.r Nicholson's time particularly that Message of the 13th of December 1723 where he refused to pass a Law to make the Bills Current after their Excellencies the Lords Justices had repealed the Act that Issued them was signed by His Excellency Governor Nicholson himself & likewise the message of the 23rd of January 1723 whereby he refused to pass the Act for sinking the Currency with a Clause they had inserted in the Lower House for tendering their Commodities in discharge of debts was signed by his Excellency y.e Governor and the Hon.ble Ralph Izard Esq.r as this was by your Majesty's President the Hon.ble Arthur Middleton and the said Ralph Izard the next eldest of your Majesties Council & most of the Messages of that Sessions were signed and sent by his Excellency alone yet because of this and for that we had declared we neither could or would pass it without inserting a saving Clause till your Maj.ty's pleasure could be signified thereon the said Lower House of Assembly by their message of the 21st of September insolently arraigned your Majesty's Council in the most Opprobrious terms they could devise charged your Majesty's Council with arbitrarily Imposing upon them and the taking away and destroying all their essential and undoubted privileges introducing of Tyranny and with reducing your Majesty's subjects to the condition of Vassals a consideration they said they could not reflect on without the utmost abhorrence and detestation and with making use of Your Majesty's Instructions to serve the partial and particular Views of some few particular men at the expense of the Common

safety

safety your Majestys President is also there charged with an open violation of their unquestionable Rights and with an arbitrary anticipating the Good designs of their House And in the Close they upbraid us with agreeing to stamp that additional Currency of 40000£ made in His Excellency Governor Nicholsons time which they by all their Acts Sessions after Sessions ever since have labored to keep afoot in of the said Orders of their Excellencys the Lords Justices and their own Acts made for sinking of them Your Majestys President and Council gave proper Replys to this Message and gave them likewise to understand that they would lay these proceedings of theirs before your Majestie for it was not safe for his Honor the President to dissolve them for this Treatment as they ought immediately to have been because our circumstances were such that we could not break up without raising supplys and sending out the Forces against our Indian enemy and which they very well knew themselves and therefore took this opportunity of insulting Your Majestys President & Council in Manner as above

On the 21st of September 1727 they sent up another Bill entitled a Bill to settle and ascertain the value of Paper Bills of Credit to promote the Currency of Gold and Silver the same in substance with the former and vary but very little in the Title and to give the Better Grace to this Bill it recites the Statute of the 6th of Queen Anne itself The prices set on Foreign Coins the penalties on those that should take them at any greater Rates It recites further that that Act of Parliament had been eluded & seemingly sets it of Force as if the British Acts of Parliament made of set purpose for your Majesties Plantations in America would want the Aid of a

Carolina

Carolina Assembly to give it a better sanction then it had before we are highly ashamed of these preposterous proceedings but find ourselves under an absolute necessity of acquainting Your Majesty of the Difficultys your Majestys Council have labored under in having to do with such a sett of people who will neither be governed or guided in these matters by the British Acts of Parliament your Majestys Instructions or their own Laws when it comes to the enacting part they overset everything they pretend to perform by the Preamble they first declare in this Bill what value their Bills of Credit bore to Proclamation Money had they stopt here in their Case Declaracon as we told them had signified very little but then it goes on and oblige your Majesties subjects here to take them at such prices as they would set upon them by this Act We argued with all the Candour and reason that was possible by divers messages before and after on those occasions and told them that to put the same value on the Foreign Coins that the British Act of Parliament did was to say nothing in effect nor could answer any end or purpose whatsoever and to put any other value then what the British Act of Parliament directs was a manifest breach of the said Statute and of your Majestys Instructions enjoining the due observing of the said Law and making Laws expressly repugnant to the Laws of your kingdom of Great Britain which we are expressly prohibited to do

The next preposterous part of this new project or Bill was to settle a general Course of Exchange a thing never before attempted we believe in any of your Majesties dominions, this course of settlement was to continue for a whole year and not to be altered the next unless the Assembly pleased and

and your Majestys Courts of Justice here both of Law and Equity were by this Bill (if it had passed) enjoyned to take notice of it without pleading, as preposterous as this Bill was we condescended to give them the same Reasons against passing it as before sent them down their Excellencys the Lords Justices orders and in return were treated by them with Injurious & Invidious reflections but we gave them to understand that we had rather bear their Injurious reflections then disobey your Majestys royal orders and sent them this Bill rejected

This Assembly was closed with the passing the act for carrying on ye Expeditions against the Indians against which the Honble Ralph Izard and Benjan de la Consellere Esqrs to of your Majesties Council entered their several dissents and protests for that the moneys appropriated to those uses was to be taken out of the Bills which by Law were to be called in and sunk pursuant to their Excellencys the Lords Justices Orders His Honor the President then thought fit to prorogue this Assembly to the second Thursday in November which was soon after determined by the demise of his late Majesty and a new one called to meet December the 18th which could not be qualified by reason the several Writs were not duly published nor executed by the proper Officers as the Act of Assembly directed and another Assembly called to meet the 31st Jany 1727

At the opening of this sessions His Honor the President by his Speech acquaints them that he was glad to meet them at this seasonable time of the year and chiefly recommends to them to provide for the Charges of the Year ensuing without which he told them the

Govern.t

Government could not be supported as also to provide for the security of their fellow subjects that lived on the Southern parts whose circumstances were so deplorable that they dare not live in their own Houses but to herd four or five familys together the better to defend themselves against the Indians and that what they had on their Plantations lay exposed to the enemy that he had lately been amongst them and done everything that lay in his power but that unless something most lasting was done for them by this Assembly they would be forced to leave their settlements or to that effect By their address of the 1st February after returning thanks to the President for his speech they assured him they had nothing more at heart then the welfare and prosperity of this Your Majestys Province and that no Endeavours should be wanting to promote the same, and accordingly made a shew and a great deal of forwardness in appointing Guards to the Water passages sending Scout Boats erecting small Forts and Batteries Strengthening the Look outs and raising sufficient men for guarding the whole which being reported and agreed to by Your Majestys Council a Bill for the better securing the Southern Frontiers was sent up on the 14th of Febry but on the 17th the question was moved at the third reading of this Bill in the Lower House whether the charge of raiseing men and Erecting the several Garrisons and Look Outs for the support of the Southern Frontiers should be defrayed by a Public Tax on the Inhabitants of this Province It was carried in the negative and tho the expedition against the lower Creeks was now laid aside and they had agreed the very last Sessions of the Assembly that the duties when these Expeditions were over should goe towards sinking the Bills as by Law was appointed yet they now

resolve

resolve that the moneys arising by that sinking Fund be applied towards raising of men for the better securing the southern Frontiers for this reason your Majesties Council unanimously rejected the Bill and by our Message of the 23rd gave them our reasons for so doing and acquainted them further that we would as readily agree to the raising any number of men or money but that now was a proper time to do it by way of Tax as well as for the rest of the Garrisons and the other emergenceys of the Government To which your Majestys Council would most cheerfully contribute but would never agree to such repeated breaches of their Excellencys the Lords Justices Orders no necessity inducing them thereto or excuse to be given for so doing

The same day we rejected the Bill on account of their breaking into the Fund Viz^t the 23rd February 1727 they sent up a new Currency Bill Intituled a Bill to ascertain the discount upon paper Bills of Credit in this Province this Bill was the same in substance as the two former passed in the late Lower House of Assembly and with but a small variation in the Title for the first Bill calls it fixing value the second settling and ascertaining value and the third calls it settling discount the purport being to settle a Value of their own on Proclamation Money, then lays a penalty on any that we should pretend to receive Proclamation Money at any other value than they should Intend to set upon it by the Act of Assembly with the same non Obstante as in the two former and an Injunction to your Majesties Justice here, to take notice of it, without pleading as before, so that Your Majesties Courts were to pay more regard to this Act if it had passed then they should of the said Statute of the sixth of Her Majesty Queen Anne

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The whole secret of all these Bills and all other their attempts of this kind being to defeat their Excellencies the Lords Justices Orders and their own Law made for sinking their Bills of Credit and that since there are Peremptory Orders to your Majesties Governor to make no more Bills on any pretence whatsoever and they are now got up to the heighth or rather to the lowest degree of baseness. they would either keep it there. or if they must be forced at last to sink them by degrees they would have Laws made to enable the debtor to pay off the Creditor in Proclamation Money at their Rates they would now settle if they have liberty to pay their debts either in the Bills of Credit or in Proclamation Money at these rates according as they shall find it most to their Advantage and all their Schemes & projects about settling currency settling discount establishing banks and making laws for tendering their Commodities in discharge of debts are all of the same stamp when examined into. tho dressed up in so many different Titles and shapes and tend all to one purpose. that as the generality of the people are got into debt by buying of Negroes beyond their abilities they would screen the debtors from their Creditors by the most plausible means they could and this under the sanction of Laws to be made for the general good and public good (as they call it) that is for the good of all that are in debt which comprehends everybody exclusive of those that trusted them and the Populace never failed to send such representatives as will best answer the debts they send them for.

This Assembly had not sat from the 18th of Dec.r 1727 to ye 23rd of Feb.y following Eight Weeks and upwards, and no steps taken for guarding the

Southern

317

Southern Frontiers or raising any thing for the support and defence of your Majestys Colony or paying the publick debts which obliged his honor the president to remind them by his Message of the 23rd of February of what he had recommended to them at their first meeting to provide for the security of their Fellow Subjects which lay so exposed to the ravages of the Indians and of the Assurances given by them so to do and again to recommend them to provide for the support of your Majesties Governmt. which he told them he expected from them as they had tendered the safety and welfare of the same and that he could no see what relation those Currency Bills could have to what he had so recommended to them to which they answered that if undertaking two offensive Expeditions could justify the last assembly in diverting the sinking Fund they could not doubt but self defence and preservation would justify the application of that money (that they would make one Breach a reason to justify a second) that they looked upon the discount Bill to be of the last Importance and would insinuate that would be a satisfaction to the trading interest as well as the planting and would be a means to make them cheerfully contribute to the support of your Majesties sec Government and to the immediate and necessary security of the province

Your Majestys Council finding that there was nothing to be done by this Assembly sent them a very long message which indeed was a Recapitulation of what has been said before wherein they enumerate the various attempts made to defeat Your Majesties Instructions the Lords of the Regency's Orders their own Laws and Resolutions founded

founded thereon and the said Statute of the Sixth of her late Majesty Queen Anne extending to all your Majesties dominions in America we told them further that if the trading Interest (whom they would insinuate were for their scheme) desired any such thing (which we knew they did not) they might apply for it That those attempts were so directly opposite to that part of your Majestys Instructions which enjoined us to pass no Law whereby the property of yo.r Majestys subjects or the Trade of this province might be affected without a Saving Clause that we could not do it without betraying a Trust that yo.r Majesty Reposed in us. to this they sent a long evasive and sophistical answer and would thereby insinuate as if this their discompt Bill had meant nothing more but to declare the Comparative value there was between their Bills and proclamation Money so as they say it could be no evasion of the Statute of the Sixth of Queen Anne when at the same time as it appears by the Bill itself when it comes to the enacting part they would have forced the Foreign Coins upon your Majesties Subjects here at the same rates as they have done their Bills of Credit and at their own prices

On rejecting this Bill they sent us a Message of the 8th of March that as they were of opinion that settling of their Bills on some fixed and settled foundation was the most immediate and necessary matter they could enter upon so they desire we would let them know in what manner we would joine with them to effect the same To which your Majesties Council returned for answer that as to settling the value of the Bills We must again put them in mind that there was a Law in Gov.r Johnsons time appointing a method of paying in and Sinking the Bills of Credit

319

Credit their Excellencies the Lords Justices had commanded that obedience be paid, and that the Governor should not on any pretence whatsoever consent to any act not only for encreasing the Currency of Paper Bills but likewise prohibiting the altering or diverting any funds established by the s.^d acts

His Honor the President finding that the Tax Bill was postponed because your Majesty's Council had refused to comply with them in their unreasonable schemes by his Message of the 9th of March lets them know that it was above Nine weeks since he called them together and earnestly recommends them to go upon the Estimate and Tax Bill. for that no difference in Judgement ought to be any hindrance to providing a support for your Majesties Government to which they returned for answer that they had ever esteemed the support of our Majesties Government a matter of the highest Importance not only from the consideration of their duty but of their preservation and therefore it had always met with the greatest regard. But as His Majesties Honble Council had rejected the Bill for settling the State of the Currency and had refused even to confer with them upon that subject they had entirely taken from them the means at present to raise the necessary supplies that yor Majesty's Council insisting to abide by your Royal Instructions enjoining the due observation of the said Statute of the Sixth of her late Majesty Queen Anne and our refusing to Join with them in passing a Law for forcing the Foreign Coins upon the Creditors at the prices they would set upon them by their Act of Assembly is Interpreted by them to be depriving of them of the means of raising supplies for the support of your Majesty's Govern^t and

and immediately after that Message wherein the president complains of their having sat nine weeks and raised no supplies for supporting your Majesties Government they sent up two of their Members to desire leave to adjourn for a Month which was refused

On the 13th His Honor the president acquaints them by way of reply that he was glad they acknowledged it to be their duty and Interest to support your Majestys Governm.t but the way to demonstrate it effectually was to bring in a Bill to that purpose nor could they answer refusing to raise the immediate supplys without Acting Contrary thereto at the same time let them know he would make no more breaches on the sinking fund. upon this they desire the expedition of sending 300 Men against the Creek Indians to be set forward when there was no occasion for it in order to draw the Moneys out of the sinking fund which His Honor the president the president refused acquainting them of being as good a Judge of the necessity of such an expedition as they were (for the Creeks were brought to terms without it) and that was fully confirmed by their Agents Letter from the Creeks nation the 5th of April following.

At length they made a shew as if they intended to raise a Tax and on the 23rd of March sent up a Tax Bill once read which was read and sent down to them the 4th of April following but instead of giving it a second reading they sat from the Fourth of April to the Tenth in order to weary out your Majesties Council (after they had sat about nine weeks already) in appointing Committees and Reading of Bills about Turnpikes Weights and Measures, Highways, Grievances, Revising Journals and every

Trifle

321

Trifle they could think of and then ag.st the 12th of April they sent up to yo.r Majestys Council another Currency Bill Intituled a Bill to promote and encourage the Importation of Gold of the same Stamp with their Silver Bill to force Creditors to take it at the price set upon it by their Act and the prices made perpetual

The Houses being adjourned to the first of May they were so eager for this Bill that the first thing they did was to send up a Message to desire to send down the Bill whereupon your Majestys Council took this opportunity to let them know that their further refusing or neglecting to pass the Tax Bill would as we believed be looked upon by your Majesty as a design to distress the Government nevertheless the Majority of your Majestys Council Three against Two in order to try if it was possible to get a supply for the support of your Majesties Government did agree to submit the good or evil of that Bill to your Majesty and therefore passed it once with a saving Clause (dissenting Ralph Izard and Benj.n de la Conseillere Esq.rs who thought it not proper to pass it even with that Saving Clause) at the same time we observed to shew how unparliamentary it was to offer two Bills of the same nature at the same time but the Lower House of Assembly rejected the Saving Clause Wherefore Your Majesties Council rejected the Bill and acquainted them that we should not pass the Bill for altering the Currency or anyways affecting the property of any of Your Majestys Subjects without such a Clause. whatever shape or dress they would please to send it to us. and hoped the business of the province would meet with no farther Interruption by offering such Bills unto us that were not in our power to agree to we having already spent fourteen weeks and no provision yet made for the support of your Majesties Government

which

which we told them ought to be preferred to all other business

In answer to all these Messages about the neglecting to raise a Supply for the support of Your Majesties Government they form a Message of Justification and say these charges are very heavy if they were just but that it was well known to anybody they would be at the trouble to read their Journal that at the opening of this Sessions they had appointed the usual Committee to examine the publick Receivers Accompts and to examine and Report upon petitions and Demands made on the publick and that tho these Committees had proceeded with the utmost dispatch they had not been able to close their Reports

That as His Honor was pleased in his Message to declare his opinion that they ought to have dispatched the Tax Bill prior to things of less Concerne It would have been kind in His Honor to have Enumerated what these things were that as he had not mentioned them they were at a loss to guess at his meaning that for their parts they thought their time was most necessarily spent in proposing measures to adjust the unsettled state of ye currency upon such a just and equitable foundation as would have been to ye satisfaction of both the Debtors and Creditors and at the same time have contributed to make a necessary supply to support the people under their present difficulties but that it gave them great sorrow to find these their good endeavours frustrated by the Council to concur with them in anything that they thought essential for the publick good of the people. that they sorry his Honor the president did not put the Council in a Method to justify themselves in their Absence instead of doing it himself as to say that what they had said in that respect had no better Colour than

than Common clamour that they could wish for his own sake only he had not done it all or in other Language

In the latter part of this seeming Justification they address themselves to your Majesties Council and say as by our Message of the 3rd instant we are pleased to tell them that the neglecting or refusing to pass a Tax Bill as we believed would be looked upon by Your Majesty as a design to distress this Government That they were of opinion that those who contributed to distress his people would be deemed by his Majesty as the Distressors of his Governm! That they had given sufficient reason why they had not given the Tax Bill a second Reading. that as to our finding fault with offering Bills of the same nature with those we had rejected the same Session's they should always think it their Duty as well as their Right to send us such Bills as they judged for the welfare and Interest of the province and that nothing we should say or could say should hinder them from so doing

Thus are Your Majestys president and Council on every occasion insolently arraigned and traduced with distressing your Majesties Subjects only for acting in Obedience to your Royal authority & for refusing to join with them to defeat such their Laws as have here past pursuant to your Royal Orders very untruly insinuating at the same time that such Laws as they would have passed were equally just and beneficial to the Creditors as the Debtors The contrary of which evidently appears by the Bills themselves. to this Message his Honor the president by the Advice of yr. Maty Council sent the following answer

That

That their postponing the Tax for the support of your Majestys Governm^t was but a charge too true and that he was so well acquainted with Parliamentary affairs as to know that they need not have sat fourteen weeks to settle the Receivers Books and to make an Estimate if they had any Inclination to have raised a publick Tax for that from his own experience it was usually done in a quarter of that time That he could not Conceive how it could take up three months time to inquire into the deficiency of last years Tax for as to the publick Duty's they were all appropriated and the Tax had no reference thereto one way or another And as to claims of private persons that Assembly did not use to set on purpose to wait for such that he had no occasion to enumerate what those things of less Concern were or to what things the Consideration of a Tax was prior because he thought nothing was prior to that of Supporting yor Majestys Government & their own Credit and to have mispent their own and the Councils time in sending them several Bills one after another all of the same nature called settling Currency Settling Gold and silver Settling Exchange which at the same time was nothing else but to impower the Debtors to pay in any other specie but what they contracted for and giving them the election of paying their debts in what Specie they pleas'd as they found it was most for their Advantage and with respect to pass debts that those Bills as they had been told over and over again did affect the trade and property of your Majestys Subjects and that it was not in the power of Your Majestys Council to pass any of them at least without a saving Clause that as to their Sorrow and Concern to

to find that their good endeavours were frustrated by the Councils refusing to concur with them in anything that they judged Essential for the general good of the people your Majestys Council had both a right and a capacity to judge what was good and fitting for the people as well as the Lower House of Assembly however that they had agreed once and again to submit the good or evil of these Bills to His Majesty which they had as often rejected by disagreeing to any Saving Clause he was obliged to justify them nay that he rather wondered at their patience to sit for fourteen weeks together waiting for the dispatch of those Affairs he had recommended to them at their first meeting that it looked very odd to them to complain of the absence of some of your your Majestys Council for a day or two. when there was nothing of consequence before them the Tax Bill being then before the House where it had lain ever since without a Reading that it was very surprising on the 11th of April to complain of the great stop put to public Affairs by the Absence of some of the Council and on the 13th of the same month desire leave to adjourn themselves for a fortnight which he had consented to at the time when there was a sufficient number of the Council to proceed on business in hopes they would have proceeded more cheerfully when they met again on the public Tax. but that he found the same was still postponed and nothing done and therefore now desired to know their last Resolution. whether they would pass the Tax Bill or not? That he should take their further delay for a denial and that the evil Consequences thereof would lie at their doors as to that part of their Message wherein they declared they were sorry that he did not put the Council on a

Method

Method of justifying themselves for their absence he told them was to assume to themselves an unknown right of making your Majestie's Council accountable to them for their conduct therefore he must in his turn say that he was sorry that your Majesty's Council was like to meet with no better treatment then what they had the whole Sessions

The Lower House of assembly instead of paying any regard to this last message or forwarding the Bill for granting supplys for the support of your Majesty's Government immediately reassumed the affair of Landgrave Thomas Smith reported to them by the Committee of Grievances being a recapitulation of the former complaint against Richard Allein Esq. Chief Justice for refusing to grant him a Habeas Corpus at his Chambers out of Term when at the same time he the said Thomas Smith stood committed for High Treason with an additional Complaint that he the said Landgrave Smith was not discharged but stood continued on his Recognizance to October Sessions altho' it appears that he never made his prayer according to the direction of the Habeas Corpus Act till the March Sessions immediately preceding and consequently could have no right to his discharge for want of prosecution The Committee of Grievances further pray the House to consider the said Land-grave Smiths ill usage and that such satisfaction might be allowed him as might by them be thought most just. Such extraordinary proceedings as these your Majesty's Council are utterly at a loss to know what terms to give them nor can it be imagined what an Assembly had or could have to do with an affair of this nature However as preposterous as this may appear to all the World they were so far from rejecting this

second

second Memorial of Landgrave Smith or this Report of their Committee of Grievances that the immediately resolved that Richard Allein Esq Chief Justice should be served that evening with a Copy of the said Report and ordered that the said Richard Allein Esq should attend on the morrow at ten of the Clock at the Bar of their House with his answer in writing to the several Complaints of Landgrave Thomas Smith which wch complaint and order he was served accordingly but the Chief Justice refused to appear at the Bar of their House as thinking it an affair out of their province and that if he was accountable to any it was to your Majesty or his Honor the president and Councel for Misbehaviour in his Office or that if he had made any breach in the Habeas Corpus Act he was liable to the penalties therein contained and not to make satisfaction as should be ordered by their House as the Committee in the Close of their report prayed he might Wherefore the Chief Justice made answer in writing that whenever Judges had been called to answer at the Bar of the Lower House it hath been for matters of Breach of privilege only of such House But as touching the complaint of Landgrave Thomas Smith It seemed to him that he ought not to answer the same to their House without derogating from the power and authority he was entrusted with and giving a just occasion of offence to a power Supreme to that of theirs whose commission he bore (meaning his late Majesty) in whose name his commission ran being only tested by the president It appeared sufficiently to us and to all the world that your Majesties Chief Justice had done nothing in the affair of Landgrave Thomas Smith but what was his duty for to bail him out

out of Court at his Chambers was not in his power and doubted whether he ought to be Bailed in Term neither had the said Thomas Smith a right to be discharged by the Habeas Corpus Act till two Terms after his prayer Entered therefore we could look upon this with no other eye or take it in any other sense but that they were now resolved to do something that was so very Extravagant and affrontive to His Honor the president as to put him under a necessity of dissolving them and by that means raise an odium against Your Majesties president and Council by telling the World that they would have granted supplys for Your Majestys Governm^t but that they were prevented by a dissolution

The said Lower House of Assembly on considering the Chief Justice's answer resolved that the said paper was an affront to the Honor of their House and a high Contempt of the dignity thereof and that the said Richard Allein should be immediately taken into Custody of their Messenger and a question being then made in their House what the Messenger should do in case the Chief Justice was attendin on your Majesties Council (as he then was) they resolved and ordered (tho' not entered upon their Journal) that their Messenger should take the Chief Justice from the presence of His Honor the president and Yo^r Majestys Council and accordingly the Messenger coming to the Stairs leading to the Council Chamber inquiring for the said Chief Justice was acquainted by the Messenger of your Majestys Council that he was busyed in writing some what at the Council Table whereupon the said Messenger rudely and abruptly forced open the door of the Council Chamber and came up

to

to the Council Table where he saw him writing to force him from thence not as much as acquainting your Majesties president or any of your Majestys Council of his Errand or intentions whereupon his Honor the president immediately ordered him to go down Stairs

Such an unparralleled piece of indignity as this we humbly presume was never before offered to any persons that had the Honor to act as your Majesties Governor and Council in any of your Majesties dominions and yet the Lower House of Assembly immediately passed a Resolve upon this that the proceedings of your Majesties president in relation to their Messenger was Arbitrary and unprecedented & an Infringement on the liberties and privileges of their House and a high affront & indignity offered to the Honor of it and then sent up a Message to complain of the ill treatment of their Messenger in the Execution of his Service

Your Majesties Council being tired out with affronts and indignities offered to them by this Lower House of Assembly from the begining to the end of it and finding that they had not the least Inclination to grant any supplys for the support of Your Majestys Government or to provide either men or money for guarding and defending the Southern Frontiers unless your Majesties Council would join with them in passing these unreasonable Laws so repugnant to the English Acts of Parliament so contrary to your Royal Orders and so prejudicial to the private properties of Your Majesties Subjects concerned in trade as we humbly conceive we have sufficiently herein before made them appear we did unanimously address His honor the president to dissolve this

this assembly his Honor the President acknowledging all we had saied to be very true did by His proclamation dissolve this Assembly and called another to meet on the ninth of July in Order (if it were possible to get a better tho there was but very little expectation of it. This Assembly met with the same temper as the last. chose the same Speaker and a great part of them the same Members. at their presenting the Speaker read of desiring as was usual he demanded a conservation of the same rights and privileges wch parliaments of England and former assemblys of this province had enjoyed time out of mind and so preposterously joins prescription of this Colony to that of Your Majesties Colonies in America ever had as yet a right to prescribe to which his Honor the President gave them a short answer and told them that he did not intend to invade their privileges so he desired them not to invade his By his speech he acquaints them that the publick affairs of this province were so much behind hand by reason of their not raising Taxes for the support of your Majesties Government that he could not defer their meeting any longer and hoped they were now met to transact the publick Business that they would lay aside all animosities and cheerfully enter on the public affairs that they could not be ignorant how many debts were due by the publick particularly to the Garrisons Scouts Boats & Look outs by land and water how necessary it was to provide a Tax by Law for payment of such debts and the future support of your Majestys Government That he should lay before them a Letter from the Commander of Fort Moore wherein he acquainted them that the soldiers of the Garrison had given him notice that they designed to leave it next month and that he

331

he the Commander himself designed to do the same And that there was no doubt the other Garrisons under public pay would follow their example unless timely prevented by due payment He likewise acquainted them that there was a scheme before the Lords of the Admiralty for making Port Royal Harbor a place of Rendezvous for your Majesties Ships of War in America in case a Channel were found deep enough to receive them and of how great benefit and advantage it would be to the Colony in case it was brought to pass

Hereupon they addressed his Honor the President acquainting him with what cheerfullness they should join his Honor and his Majtys Council in despatching the necessary Business of the Province which His Honor had recommended to them in his Speech accordingly they settled a Method for the Survey of Port Royal Harbor the Execution of which was by a Committee of both Houses agreed to be deferred till October this being an unseasonable time of the Year and the same is since perfected. But when they came to take that part of the Presidents speech which recommends to them the raising the Tax for defraying the charges of the Garrisons and other necessary charges of the Governmt the following question was moved in the House to be put vizt whether a Committee should be appointed to consider of ways and means for granting a supply to your Majesty for the support of the Garrisons the Scout Boats and other necessary charges of the Government the Question being opposed the previous Question was put whether the said Question should be put and carryed in the affirmative. and then the Main question

Question being put it was carried in the negative This resolve of theirs that they would appoint no Committee to consider of ways and means for granting a Supply to Your Majesty for the support of Your Majesties Government was so odious that they were ashamed of their own Resolves. Therefore the next day they reassumed the consideration of that part of His Honors speech relating to the payment of the Garrisons and resolved that a Bill should be brought in for some convenient Method (as they call it) to pay the said Garrisons and to defray the other immediate charges of the Government But this was nothing but a mere outward shew of doing some-thing, which the Majority of them never intended to put into Execution for they had not sat three days before they appointed a Committee on the Currency & sent a Messenger to your Majesties Council desiring a Committee might join them which your Majesties Council refused and on the 17th a Committee of your Majesties Council to join them on the heads of a Bill for farming the Indian Trade or taking it into the hands of the Government to which Your Majestys Council by their Message of the 17th acquainted them that the first principal thing they recommended to them by his Honor the president was to enter on ways and means to raise money for the support of your Majestys Government the necessity whereof we told them was so apparent that we must desire them to give all the dispatch thereto prior to any other affair whatsoever To which they returned for answer that their House was not precluded by the presidents speech from taking under considera-tion any thing therein recommended to them at such time and in such manner as they should think proper And on the 18th they accordingly sent up a new Currency Bill Intituled a Bill to establish a sufficient

fund

333

fund of Gold and Silver and also to call in and sink the paper Currency of this province the purport of which was to set a rate on Foreign Coins as before to allow these to be paid to the Receiver for duties instead of their Additional Bills of £40000 ordered to be sunk by that means by this Method they would entirely overset their Sinking Law passed pursuant to their Excellencies the Lords Justices orders that the duties to be paid into their Treasury in Foreign Coin should there remain till there was sufficient to cancel the Bills and then that the Creditors should for ever take the Coins at the prices they intended to set upon them by this Act and to make this Bill seem the more peausible They pretend it is done in favor of the Merchants who never sought after or desired such favors from their hands or any other but that they would keep to their own Laws already made This Bill was so preposter-ous in itself that it could merit no consideration with Your Majesties Council Wherefore we rejected it this same day they sent up the Tax Bill but on rejecting their Currency Bill they sent a Messenger to acquaint his Honor the President that the difficulty they found in keeping great numbers of Members together for the dispatch of Business occasioned by several being taken ill and from the Excessive heat obliged them to desire leave to adjourn to September and that they should be early enough then to make the necessary provision for the Government

Whereupon His Honor the President acquainted them that at the opening of this Sessions he had recommended them two things the one to raise a Tax for the support of Your Majesties Government the other to assist your Majestys Ships of War in sounding the Channel of port

Royal

Royal Harbor which last was got over that there still lay a Bill once passed both Houses. to grant to your Majesty a supply for the support of your Maties Governmt to which he expected they would give the necessary dispatch before the broke up therefore could not answer giving the leave to adjourn till that was done where-upon they adjourned to the Monday following but in manifest breach of all Rule and Order and in Contempt of Your Majesties Royal Authority never after met again save two or three at most with their Speaker who on the 21th also absconded themselves

Your Majestys Council inasmuch as it plainly appeared to them that the said Lower House of Assembly had dispersed themselves of set purpose did unanimously resolve that the same was a high Indignity and contempt offered to Your Majestys Royal Authority highly prejudicial to the Interest of this Your Majestys Province and contrary to yr Majestys Royal Instructions and did unanimously advise his Honor the president to issue his proclamation for their dissolution. Who caused the said Assembly accordingly to be dissolved

On the 7th of August new Writts were issued for calling the Assembly to meet on the 17th day of September following where his Honour the President and Your Majestys Council attended the coming of the Assembly Vizt from the 18th of September to the 21st but no sufficient number of them appeared to constitute a House and His Honor the President being willing rather to attribute the same to sickness or to some other unfor-seen accidents then to any Contempt to Your Majestys Royal Authority prorogued the said Assembly by two several prorogations until the

20th

20th of November following when his Honor the President again attended with your Majestys Council from the coming of the said Assembly to the 23rd but the Majority of the said persons so returned to serve in Assembly themselves of set purpose so that the rest could not constitute a House And his Honor the President finding the same was done in Contempt of your Majestys Royal authority and with a design to obstruct all publick Business His Honor the President by advice of your Majestys Council issued his Proclamation for the dissolution, containing the reasons above mentioned for so doing

We therefore have thought it our indispensible duty to lay all these matters before your most sacred Majesty most humbly beseeching your most Sacred Majesty will be pleased to send with a Governor whom your Majesty shall be pleased to appoint for the Colony such additional Instructions powers and Orders as your Majesty shall think necessary for reducing such unparaleled Exorbitances to prevent the confusions that must naturally follow these proceedings. and for putting a stop to the like insults being offered to your Royal authority in the person of your Commander in Chief and those of your Majesties Council and Ministers for the future and that your Majesty in Council will be graciously pleased to take such other measures as to your Majesty in your Great Wisdom shall be thought most fitt

B Schenckingh — Ralph Izard

Benjn. De la Consilliere — Wm Bull

James Kinloch

Recd 7th July / Read 8th 1729 — A Skene — Cha: Hart

B. P. R. O. South Carolina B. T. Vol 4 C 51.

(Memorial from Mr Godin in behalf of ye President and Council of South Carolina relating to ye Misbehaviour of ye Assembly of that Province, & to some Acts necessary to be repealed & others to be revived or established)

I have it in my Instructns fm ye Presidt & Council of his Majs Province of So Carolina, most humbly to move yt their Representatn may be Considered by yor Lordsps & fm ye Importance of ye case to report to his Majs most honble Council such proper Instructs to ye future Govr as will Effectually enable ym to uphold his Majs authority & prerogative wch by Impunity, hath been most notoriously Invaded & disregarded by a sett of People who have no other views to pay their debts but out of ye Property of his Majs good British traders & Inhabitants

Tumults, riots & menaces have occassionally been used to bring his Majs faithfull Presidt & Council to their unwarantable skeems & resoluts & findg ym unmovable, they for these 2 Years endeavour to distress ym at ye hazard of ye whole Province (should a warr break out) by refusing to provide for ye suport of ye Garisons

Garisons & ye Civill Governmt

To redress yse & many other grivances wch have Crept in by ye weakness & male administrat: of former Governmts some laws should be repeal'd some reassumed & others made by his Majts Injunctns to his Govr

I am wth most humble submissn directed to offer yse to yor Considerat: hapy if by a due Express: of ye Zeal & Affect: of ye Presidt & Council of Carolina for his Majty & for his Servce my best endeavours may be Acceptable to ye most honble board.

The

The Acts most Necessary to be repeald are viz.
Act for Establishing County & Precenct Courts
past 1721.
an additionall Act to ye Act past 1722.
Act for ye better setling ye Court of Justice past 1726
Act for taking away ye writs of Sumons
Act for Electg members to ye Assembly by Ballot
The Act wch ought to be revived is yt for ye amendmt
of ye Laws past 1720
The Act wch ought to be made, if not more properly
to be declared by an order of his Majs Councill,
is Cape feare wth all its Settlemts to be in the
Province of So Carolina, & under its Government.

Recd } July 23d 1729
Read }

B. P. R. O. South Carolina B. T. Vol 4 C 52

(25th July 1729)

May it Please your Lordships

When on Wednesday last I was to attend your Lordsps Comand I was not prepared to enter into a discoution with the Advocates of the Paper Money & neither did I think that what comes from the President and Council under the Broad Seal of Carolina wanted the Testimonials of the Pretended Agent for the Riotous Assembly. I have unquestionable Proofs to suport the Alegations of the President & Council & most humble Representations to his Majesty, and that yor Lordships may the more easily Judge of it I here with Joint a Schedule of them to which recourse may be had when yor Lordships pleaseth, and I make bold to say this Honble Board will never have an Easier Oportunity to uphold his Majestys Authority & Prerogative against the Incroachments of Planters pretended Parliaments.

I have particular directions to Silence Mr Wragg & the Paper he offerd yor Lordsps because it never past upon the disagrement of the Council with the Assembly that his Agency seased in March 1728 and is forbid to medle with what I have the Honour to Negociate at

at home visibly rowing one way & looking another. but that Yo. Lordships may know who are realy the British Traders to Carolina, I also herewith Join a list of them & if Your Lordships pleaseth I will Collect in the manner of a Petition the Sence of all Traders to our Colonies in relation to the Paper Currancies on the Continent.

I am

Your Lordships

Most Obedient & most humble Servt

Steph Godin

London July 25th 1729

(Enclosure)

Schedule of Papers in ye hands of Stephen Godin relating to Carolina Vizt —

A Briefe for Council containing ye Articles of ye Represtation with remarks thereon.

Instructions to Mr Step Godin Agent

The Govrs Testimonial Annexed that he approves of the Councils proceedings

Draught of Instructions to Govr of South Carolina

An attested Copy of a Message of ye 1st of June 1725 of ye lower House of Assembly to prove that Mr Wragg was prohibited to Deliver the Representation

to

to his Majty from ye Council & Assembly about ye
Currency till Scheme sent A.D. no Scheme sent ever
since
A Short Memorial of his Majesties Council for Repealing
divrs Laws
Reasons of his Majesties Council humbly offer'd to his
Majty for Repealing ye sd Laws
An Attested Coppy of ye Act for appointing Mr Sam Wragg
Agent which wee send ye to shew his Agency Expired ye 5th
day of Apr 1728 & is in maintenance of that Instruction
Prohibiting him to Entermeddle in our Affairs at least
till further orders.
Copys of ye Acts to be repealed vizt
An Act for Establishing County & Precinct Courts passed ye 20th Sepr 1721
An Additional Act to an Act Intituled an Act for Establishing
County & Precinct Courts passed ye 6th Novr 1722
Coppy of ye Act for ye better Setling of ye Courts of Justice
passed ye 11th March 1726
Coppy of ye Act in Govr Moores time that leaving ye Coppy
of ye writt
His Majestys Council of ye Province of St Carolina theire deed
Constituting Mr Step Godin their Agent
Representation to his Majesty Continued
Copy inde wth ye remarks.

Copy

Copy Council Journal fr. 15th Janu. 1728 to 21st Feb. following
Additional Instructions to Gov.
The bill for Appointing Generall Assemblys &c
Explanation of Sd. Bill
Copy Election Law Ao. 1716. Ditto 1718. Ditto 1721.
Copy Act for Chusing Members in Countyes
Copy bill to make Gold a Tender &c
Copy bill to Encourage ye Importation of Silver &c
Acct. of Exports to ye 15th May 1729
Copy Comons house Journal fr. ye 15th Janu. to ye 21st Feb 1728

(Enclosure)

British Merchants Tradeing to Carolina who are no Planters.

Sr. John Lamber Bart.	Mr. Jno. Govan	Mr. Sam Baker
Mr. John Loyd	Capt. Jno. Watkinson	Mr. Sam Arnold
Mr. John Hewlet	Mr. Allard Belin	Mr. Anth Neat
Mr. Jos: Wyat	Mr. Jno. Bell	Mr. Wm. Cam
Mr. Dart Godin	Mr. Sam Maintru	Mr. Ho Hyam
Capt. Rich Shubrick	Mr. Jo Pirou	

Recd. 30th July } 1729
Read Do.

B P R O. South Carolina B T vol 4 . C 53.

Recd 30th July 1729

To The Kings most Excellent Majesty
The Humble Memorial of your Majestys Council of your Province of South Carolina.

Sheweth

That dureing the administration of his Excellency Francis Nicholson Esqr late Governour of this your Majesties Province, there passed two severall Acts the one Intituled an Act for the Establishing County & Precinct Courts passed ye 20th day of Sept 1721. And one other Act Intituled an Additional Act to an Act Intituled an Act for Establishing County & Precinct Courts passed the 23d day of February 1722, and also another Act dureing the Administration of the Honble Arthur Middleton Esqr Intituled an Act for the better Setling of the Courts of Justice passed ye 11th day of March 1726, which Acts in their Consequence have proved very Prejudicial to the Trade & Properties of your Majesties Subjects, for which reason & divers others, which wee Crave leave to lay before your Majesty, Wee are humbly of opinion that the said Laws ought to be repealld & pray that your Majesty will be graciously pleased to Repeal the same

Ra: Izard

Ra: Izard
Wm Bull
A. Skene
Chu: Hart
Sam Kinlock
Benj: Schenckingh
Benj De La Conseillere

Enclosure

Reasons humbly offered by your Majesties Council of your Province of South Carolina for Repealing the said Laws

First wee humbly take leave to acquaint your Majesty that his Excellency Francis Nicholson on his arrival in this Province being desirous to Modell this Government as near as might be to your Majesties Government of Virginia did promote the passing the said Laws for Establishing County & Precinct Courts to which your Majesties Council shewd no Inclination as not being adapted as wee then conceived to the Circumstances of this Province where there is not a tenth part of the Number of Inhabitants

And for that wee Conceived there were not persons qualified

qualified for such Employments to be had, & the Powers given by that Law to the several Justices were very large, but his Excellency Insisting that such Laws had passed in your Majesties Government of Virginia, and that no Inconveniencies did arise therefrom wee gave way to the passing of the said Acts.

Nevertheless the many Inconveniencies that has arose by means of the passing of these Acts have more fully Confirmed us in our first Opinion, & Our perticular reasons which wee humbly offer to your most Sacred Majesty for the Repealing the said Acts are as follows

First that the Powers given by the Act are very Exorbitant for they have not only a Civil & Criminal Jurisdiction, but even the Power of the ordinary of granting letters of Administration, & also the Power of the Court of Chancery so farr as relates to Orphans in every respect, & wee conceive such Powers are not only Exorbitant but very Improper to be lodged in one & the same Persons.

For that the Chiefe Justice of the Province being obliged to hold two Courts of general Sessions Assize & general Goal Delivery, & four Courts of Pleas yearly & every Year at Charles Town, he can have

no

no manner of Leisure to Attend that Service vizt.
the Business of the Ordinary and that of ye Orphans.

For that his Associate & Assistant Justices (which are the best that can be had) being Persons that are bred up in the Private Affairs of Planting have neither knowledge or Capacity for putting those Powers in Execution by themselves.

For that by the two first Acts all Actions whatsoever altho they were Transitory in their own Nature were made Local & Confined to be tryed wheresoever ye deffendant might happen to Live altho the Contract was made in another County & place & the Plantiffe in order to maintain his Action was necessitated to follow the deffendant with his Witnesses 50 or 100 Milles distant from the place where the Contract was made. & ye Cause of Action did Arrise

For that when this was altered by the last mentioned Act of ye 11th day of March 1726 all the Justices save those of Beaufort on Port Royall Island in Granville County, & one other Court held at a place called Echaw in Craven County threw up their Comissions for nothing would Satisfye them, but bringing all Causes to their own doors

For

For that the Cheife Justice being restrained by these Laws not to hold Courts without them no Courts have been held for near two Years past at the three other places or Precincts at Kassamsaw, Wandoe or Wil-town for when the Cheife Justice came the Circuits at the time Appointed, some would not appear & those that did refused to Act so that all Causes of Action arising in those last mentioned Precincts being to be Tryed there those places have ever since become Mints for Debtors & Sanctuaries for all Criminals under ye degree of Felony

For that your Majesties Council haveing brought in a bill for reducing those three last mentioned Courts passed ye same in the upper house of Assembly & sent it down to the Lower house but coud not Obtain to have it passed in the Lower house notwithstanding they were fully Apprized of all the Inconveniencies.

The reason & necessity of Passing the last mentioned Act of ye 11th day of March 1726 as to that part of it which Appoints the Cheife Justice to go his Circuits & Preside in those Courts was very Apparent for the Justices who before were appointed being bred up only in Planting Affairs &^c^

knowing

knowing neither Law nor Practise became a rediculo to the Lawyers, subjected themselves to Prosecutions by their unskillfulness & Comitted so many Errors, that there woud have been no end of Rectifying them but as to the latter part of this last mentioned Act which took away the Summons your Majesties Council Consented to Pass it for this Political Reason to prevent if possible the large Credit that is usualy given in this Country, but have since found that it has noways answer'd the end & is Attended wt. this worse Inconveniency, that the Tradeing Interest canot now by any means get in their Debts for where a person conceals himself, wee have no process of Outlawry, so that the Goods of the Debtors as well as their Persons are Protected against their Creditors & their Lands never made Subject or Lyable to ye. Payment of their debts as yet.

For all wch. Reasons wee humbly Conceive, the said three before recited Acts ought to be repealed & humbly submitt the same to yor. most Sacred Majesty

And as the Erecting & Establishing of Courts in your Majestys Dominions of America is as wee Conceive a branch of yor. Majesties Royall Prerogative, so

so wee humbly propose that if it shall be found Convenient for Continuing those Courts at Beaufort on Port Royal in Granville County & the other in Craven County by reason of the remote distances that then such Courts may be Established by Virtue of your Majts Royal Comission & Instructions to your Governt directed & not by virtue of any Act of Assembly & that your Majestys Cheife Justice may be appointed to hold the same by Virtue of his Excellency the Governors Comission only & not in Pursuance of any directions of any Act of Assembly now or hereafter to be made for that Purpose.

Recd 30th July } 1729
Read }

B. P. R. O. South Carolina B. T. Vol 11 C. 64.

Additional Instructions to Capt General and Comander in Chief of our Province of South Carolina

Whereas by an Order of their Excellencys the Lords Justices passed in Council the Twenty Seventh Day of August in Ye Year of Our Lord one thousand Seven hundred and Twenty three and in the Year of the Reign of his Late Majesty King George the first their Lords Ships for the reasons therein Menconed did Repeal two Several Acts of Assembly passed in Our Said Province in the Years One thousand Seven hundred and twenty one, And one Thousand Seven hundred and twenty two the one Intituled.

An Act for Raising the Sume of Seventeen thousand two hundred and forty Eight pounds and Six pence on Lands and Slaves for Defraying the Charges of the Several Forts and Garrisons discharging the Publick Debts and Providing for the other Emergencies And Contingent Charges of the Government.

The other Intituled

An Act for Reprinting the Present Curr Paper Bills of Credit and for printing the Additional Sume of forty thousand pounds in Bills of Credit for Paying off the

the Publick Debts Defraying the Contingent Charges and other Emergencies of the Government to the Twenty fifth Day of September Next.

And Whereas their Excellencys the Lords Justices did Likewise by their Letter and Order passed in Council the fifth Day of September in the Year of Our Lord One Thousand Seven hundred and Twenty three to Francis Nicholson Esqr then Govern^r of our Said Province Reciting the Repeal of the two aforesaid Acts Did thereby Require Enjoyn and Direct the said Francis Nicholson Esqr amongst other things not to give his Consent On Any pretence Whatsoever to any Act for Increasing the Currency of Paper Credit or for altering or diverting the Funds established by former Acts of Assembly there passed for the Gradual Payment and Sinking of Bills of Credit or Rice Bills Issued before his late Majesty Reassumed the Government of the Said Province into his own hands And Alsoe Enjoyning as they Did thereby Enjoyn Require And Direct him the Said Francis Nicholson to propose to the Assembly of Carolina to Settle Effectual Funds for the Speedy Sinking and Discharging of such additional Bills of Credit as had been Issued on pretence of the above mentioned Act during his Administration.

And

And Whereas in and by A certain Act of the General Assembly of the Said Province Intituled an Act for Calling in And Sinking the Papers Bills passed the fifteenth Day of february One Thousand Seven hundred And twenty three Reciting that the Said Governour Council and Assembly in Testimony of their desire to give Obedience to the Said Orders of their Excellencys The Lords Justices and to the End the Proprietors of Such Bills as were thereby intended to be made no longer Curr^t. might Receive a full and Ample Satisfaction And Value for such additional Bills of Credit It was thereby Enacted that the Sum of Fifty five Thousand pounds in Bills of the Several Denominations there Specifyed should be paid to the Publick Receiver or Treasurer of the said Province for Duties who was to Cause the Same to be burnt and not to Reissue the Same on any pretence whatsoever as by the said Act does more fully Appear.

And Whereas, we are given to understand that the President Council and Assembly of our said Province since the passing of the said last mentioned Act for Sinking the Said Bills have (under pretence of Emergencies of the Government instead of Raising Taxes to Defray such Emergencies) passed divers Acts from time to time for reissuing

reissuing the Greatest part of the said fifty five Thousand pounds which was to have been burnt and Cancelled as aforesaid whereby the said Act for Sinking the said Bills of Credit hath been most manifestly Evaded And their Excellencies the Lords Justices Orders defeated and that altho the Duties appropriated for Sinking the said Bills over and besides what hath been thereout deducted for the Sallarys of the Clergy and other Publick officers doe amount Communibus Annis to at least fifteen Thousand pounds per ann Yet that only Thirteen Thousand Six hundred and forty five pounds have been Called in by Virtue of the said Sinking Act altho it is now five years since the said Act passed We doe therefore hereby strickly Injoyn and require you Our said Govern^r. to see that the said Act for Calling in and Sinking the said Paper Bills, be from henceforth duely Observed and put in Execution And that you doe not give your Consent for the passing of any law for Reissueing the said Bill of Credit or any other Bills of Credit on any pretence whatsoever. And Whereas we are given to understand that part of their Excellencys the Lords Justices Orders of the fifth of September One Thousand seven hundred and twenty three that directs that the said Governour should not

not give his Consent to alterings or diverting the Funds Established by former Acts of Assembly there passed for the Gradual payment and Sinking of Bills of Credit or Rice Bills Issued before his Majᵗʸ reassumed the Government of the said Province into his own hands hath been Manifestly Evaded under pretence that the times were wholly Expired wherein such payments were to be made before the Order of their Excellency the Said Lords Justices took place and that it hath been insinuated that their Excellency's order which directs they should not divert the old Funds doe not direct the Assembly to appoint new ones and for that it appears to us by the said Act for Sinking the said Bills there hath been noe provision made for sinking the remaining fifty three thousand pounds But only a Bare Resolution of the General Assembly passed five years since In that behalf and which hath never Since been put in Execution Wherefore for a further Explanation of the Said Order we doe hereby direct you to insist on a law to be passed for the Gradual Sinking of the remaining fifty three thousand pounds in Rice at thirty Shillings Twenty five Shillings, and Twenty Shillings per hundred to the End that the proprietors of those Bills may

have

have the Same Value for em as by the Said Law
is appointed And Agreable to the said Act passed
by the General Assembly Intituled An Act for Raising
the Sume of seventy thousand pounds on lands and
Negroes & passed the twentyeth Day of february in the
Year of our Lord one thousand Seven hundred And
Eighteen during the Administration of Robert Johnson
Esqr then Governt of the said Province For we doe
Expressly will that you see that the publick Credit
And faith be duely kept up And Observed in our
Said Province And we doe repeat unto You the Orders
formerly given to our late Governt Francis Nicholson
Esqr And doe hereby Expressly Enjoyn You that you doe
not give Your assent to the passing of any Law
whatsoever for making Any More Paper Credit in our
Said Province on any pretence or Emergency whatsoever
Nor for Reissueing any of the paper Bills of Credit
as above Said

And Whereas it appeareth unto us that divers
persons in our said Province of restless and Turbulent
Spirits under pretence of Publick Greivances and forgett
-ing the Duty and allegiance they owe unto us have
formed themselves into Tumultuary and Seditious Meet-
ings and Societies Assembling themselves at Diverse times
in

in a Riotous and unlawfull manner disturbing the peace and quiet and Civill Order of our said Government And The Better to protect Them Selves from the Civill Magistrate have enterd into Conspiracies and Associations to Maintain and defend each other and under pretence of Petitioning for Redress of Greivances have prepared and Presented unto our President and Comander in Chief Certain Representations petitions or Remonstrances Containing Insolent Invectives Against our Comander in Chief and Council of our said Province Accompanyed with Threats in Case they should not obtain Relief and at other Times openly opposing and resisting our Officers in Levying the Publick Taxes Raised for the Suport of our Government and Defence of our said Province In token therefore of our highest Displeasure against all such persons and proceedings we doe hereby Enjoyn and require you that imediately on your arrival you Cause diligent Inquiry to be made after all such Persons who have been The Chief Incendiaries Stirers up Leaders & promoters of all such Riotous tumult-uous and Seditious Meetings and Societies and Cause them to be Prosecuted According to Law And for that end You will herewith receive our Special Comission of Inquiry which you are diligently to Execute sparing not

not pains or Expence therein And that you Cause all such Examinations to be taken before Your Self and Councill of our Said Province and Certify the Same unto us under the Great Seal of our Said Province together with all the proceedings thereupon In Six Months after Your Arrival.

You are likewise diligently to Inform Your Self of all such persons of what Estate or Degree soever who have secretly or openly favoured aided or abetted such Riotous Tumultuous Seditious and unwarrantable Proceedings and that you doe not Suffer them much less their principal Leaders and Cheifs to hold or Enjoy any place office or Employment Civill or Military in our Said Government or give them any Countenance or tokens of our favour in any Respect whatsoever

And Whereas we are given to understand that Diverse of such Seditious Riotors and Tumultuous persons the Better to Screen And protect them Selves from Publick Justice have procured them Selves to be Chosen as Representatives in the Assembly and being there Mett notwithstanding all the Endeavours of our Good and Loyal subjects Well Affected unto us and Zealous for the well fare and Service of our province to hinder or lett the same have at diverse times

by

by Rude Messages Speeches Resolves and Invectives most openly & Notoriously as appears from their owne Journals Affronted and Insulted our Comander in Chief and the Members of the Council of our said Province for Re-fussing only to Joyn with them in Making of Laws Repugnant to the Laws of our Kingdom of Great Britain and assuming to them selves An Authority of Regulating the prices of foraign Coin with a Non Obstante of all Laws to the Contrary when at the same time they were fully appraized by our Council of our said Province of the Statute of the Sixth of her Late Majesty Queen Ann for Setling the Rates of Foreign Coins throughout Our Dominions in America and of our Instructions to Our Said Govern^t. Enjoyning the due Observation of the said Article and for that because Our Council of our said Province have refused to Joyn with them in passing such unreas-onable and unwarrantable Laws have from time to time Openly and avowedly impeded postponed and Obstructed the most Necessary business of the said Province Earnestly and frequently Recommended to them by our Commander in Chief Vizt making provission for the payment of the publick Debts Guarding and Securing our Southern Frontiers from the Indian Enemies

And

And Supporting their Garrisons and have Continued in this their wilfull Neglect to make any provision for the Support and Defence of our Colony for now Twenty Month & upwards,

You are to Acquaint tham that we look upon such their proceedings as a high Contempt and Indignity Offered to Our Royal Authority and savours of the highest Ingratitude in Return for Our Royal Favours in Causing them to be taken under our Imediate protection and Guarding And Defending their Trade at our own Expence And You are to Lett them Know that tis by Our Especial Grace and favour and by Virtue of our Letters Patents only and Comission to ye Directed And not otherwise that they are permitted to hold any Assemblys or Enact any Laws whatsoever wherefore Lett them be Warned that they noe more abuse Our Royal Lenity and Indulgence.

And Whereas it appeareth unto us that Landgrave Thomas Smith the fifth in Ranck of our Council of our said Province hath Greatly favoured and abetted such Riotous and Tumultuous proceedings in order to gett himselfe proclaimed as President and Comander in Chief And being Charged with high Treason for Conspiring to Levy War And indeavouring to raise an

Insurrection

Insurrection in our province and to Subvert the Gov-
-ernm^t There hath in a Meane and Derogatory
manner altogether unbecoming the Dignity of one
of our Council of our said Province Applyed himself
to the Lower house of Assembly Complaining of the
Illegality of his Comittiment want of Bail and Dis-
charge in which matters the Lower house of Assem-
bly never had nor of right ought to have any power
or Authority to Intermeddle
You are therefore to Signify to him that in token
of Our highest Displeasure We have thought fitt to
Dismiss him from our Council Reserving to our Selves
the further Consideration how he may be proceeded
against And We do herby Signify Our Highest dis-
-pleasure Against the Late and former Assemblys
for assuming to them Selves a power of Intermedling
in the Matter aforesaid and for their most Illegal
and Unwarrantable proceedings in Ordering Our Chief
Justice to answer the said Matters at the Barr of
their House And for their unparralled behaviour
in Ordering their Messenger, to take our Chief Justice
from the presence of our Comander in Chief then
Sitting in Council Whilst the said Chief Justice was
attending that Board on our services

And

And forasmuch as we finde by their Journals that they have Vainly And Arrogantly Assumed to them Selves the Stile and title of Comons house they are hereby prohibited to make use of any Such stile or title for the future But the stile & title of the lower house of Assembly only And that you doe not pass any Law or receive any Massage from them in any such Stile or Title for the future And that the Clarke of the lower house doe no more presume to subscribe himself. C. D. C. or Clericus Domus Communium but Clarke of the lower house Only And it is our will and pleasure that when Ever Any person shall be Presented to you as Speaker of the lower house of Assembly for the Time being for your Approbation And you shall have any Reason within Your Selfe to suspect that he is not well Affected unto us or not Zealous for Our Services that then and in such Case You Shall disaprove of such Speaker without any Cause by you to be given And the lower house of Assembly shall proceede to Choose Another in his Room and not of the same person on pain of a high Contempt And Indignity offered unto us and Soe Toties quoties till you See Cause to approve of Such Speaker And it is

is hereby Declared Adjusted and Setled as a point indisputable that the Approbation or Disapprobation of a person to be presented by a lower house of Assembly in our Said Province to our Said Governt for the time being is not a matter of mere Ceremony only as it hath been said Butt a Matter of Right which is and ought to be and is hereby declared to be Vested in our Said Governt & the Governt of our said Province for the time being in all times to Comes.

And as touching the Clerke of the lower house of Assembly We doe from our Royall Indulgence and favor give leave to the lower house of Assembly for the time being to recomend him to You Our Said Governt or our Governt for the time being but that they doe not presume to appoint him by any Order or Resolve of the lower house of Assembly For as the Same is an Office of Our Gift So We Will that he be Constituted by our letters Patents or by Comission under the Great Seal of our Said Province by and with the advice and Consent of the Council of Our Said Province, and the Council of our Said Province for the time being and not otherwise if you by the advice of our said Council shall see Cause to approve of

of the person Soe recomended then the lower house of Assembly Shall Proceed to recommand an other in his place.

And Whereas, wee have been given to understand that Several Civil officers have been Created by Act of Assembly in our Said Province, We doe hereby Enjoyn You that you doe not for the future give Your Assent to the passing of any Law for the Constituting or appointing of any Civil officer Whatsoever

And Whereas by the twenty fifth Article of Instruction given by our late Royal Fathers to francis Nicholson Esqr Dec^ed late Govern^r of our said Province reciting that Several Inconveniencies have arisen to his Majestys Governments in the plantacons by Gifts and presents made to the Govern^rs by the General Assembly he was thereby directed to propose unto the General Assembly and use his utmost Endeavours with them that an Act be passed for raising and Settling a publick Revenue for Defraying the Necessary Charges of the Government of the said Province and that therein provisions should be particularly made for a Competent Sallary to himself as Capt General and Governour in

in Chief of the said Province And to any other Succeeding Capt General for Supporting the Dignity of the said office as Likewise provision for the Contingent Charges of our Council and Assembly and for the Sallarys of the respective Clerks and other officers there unto belonging as Likewise of all other officers Necessary for the administration of that Government and that when such Revenue should soe have been Settled and Provision made as aforesaid then his late Majesty was pleased to Express his Will and Pleasure to be that Neither he the said Francis Nicholson Esqr Governr nor any Governr Commander in Chief or President of the Council of the said Province for the time being should give their Assent to the passing any law or Act for any Gift or present to be made to him or them by the Assembly and that Neither he nor they should Receive any Gift or present from the Assembly or others on any account in any manner Whatsoever upon pain of his Majestyes highest displeasure and of being recalled from that Government. And by the twenty Sixth Article of his Said Late Majestyes Instructions his Said Late Majesty did require that this Declaration of his Royal pleasure

pleasure should be Communicated to the Assembly
at their first Meeting after his arrival in that
Province and entered into the Journals of the
Council and Assembly that all persons whom it might
concerne might Govern themselves accordingly which
Instructions we finde were Accordingly Communicated by
the said Francis Nicholson Esqr to the Lower House
of Assembly soon after his arrival in the said
Province.

And Whereas we are given to understand that not-
withstanding the Great Charge we are at in defending
Our Said Colony and Protecting the Trade thereof at
our Expence Neither the then Assembly nor any future
Assembly hitherto have Settled any Revenue for the
Suport of our Governour or any the rest of our
Subordinate Officers Wherefore you are to Signify unto
them that as they hope or Depend on us for any
of our Royal favours for the future Soe we doe
Expect that they forthwith provide for You Our Said
Governr as for all the rest of our Subordinate Officers
vizt Our Chief Justice of Our said Province for the time
being Our Secretary and his Deputy for the time being
Our Attorney General for the time being Our Clarke of
our Council in Assembly and his Deputy for the time
being

being in which Last Mentioned case we doe Direct and Expect that he be allowed the same Sallarys and perquisits as are given to the Clerke of the lower house of Assembly and his Deputy for the time being and that you doe not allow or suffer to be allowed to the Clerke of the lower house and his Deputy for the time being Any Sallary or fees but what shall be allowed to the Clerke of our Council in Assembly and his Deputy for the Time being And alsoe that Sufficient provisions be made for the Messengers Dore Keepers and the Necessary Expences of our Council Chamber.

And Whereas great Inconveniencys doe still arise from the said Last recited Instructions in as much that our Governr have thereby a latitude to accept of Temporary Gift And presents from the said Assemblys we doe now hereby Expressly injoyn that Neither you our said Governr nor any of our Subordinate Officers doe accept any Gift Gratuity present or reward under pretence of house Rent Travelling Charges or any other pretence whatsoever but what shall be Settled by way of Sallary for three Years at the least any thing in the said recited Instructions or any other Instruction, to the Contrary notwithstanding for we will not

not that any of our said Govern^r or any of our said officers have any precarious dependencies on the present or any future Assembly's whatsoever and that you And the rest of our Officers doe punctually observe this our Royal Instruction on pain of our highest displeasure and the forfiture of all your and their Sallary which we our Selves have or shall think fitt to Allott for your and their Dignity and Support and being obliged to Refund all such Temporary Gifts and Gratuitys into our Treasury to be disposed off as wee shall think fitt neither shall we take it well not as a Sufficient answer from our Said Assemblys to Excuse themselves of their Incapacity to make such Settled Sallarys A provision by Reason of the poverty of our Colony or such like pretences because we are fully appraized from their owne Representations and from the accounts of their Exports now before us of their abilities and capacities Soe to doe And you are further to insist that the Fees & perquisits of you our Said Govern^r and of all our Said officers be reasonably augmented.

And We likewise hereby Expressly Injoyn the Members of our Council in our Said Province and the Members of our Council of our Said Province for the time being and

and Every of them not to give their Assent to any Actt Order or Resolve whatsoever for any Temporary Gift present Gratuity or Reward whatsoever to be made to Our Governo.r or Comander in Chief or our Govern.r or Comander in Chief for the Time being but what shall be Settled for a Sallary for three Years at the Least as above said On pain of our Highest Displeasure and being removed for ever from Our Council.

And Whereas by the thirty fifth Article of our Instructions to his Excellency Francis Nicholson Esq.r Late Govern.r of Our said Province Reciting that the Members of the Several Assemblys in the Plantations had of late Years Assumed to themselves Priviledges noe wayes belonging to them And (amongst other things therein mentioned) had taken upon them the Sole Framing of money Bills Refusing to lett the Council alter or amend the Laws which was very Detrimental to our Prerogative And thereby in Joynings our said Govern.r amongst other things that if upon Calling the Assembly he found they insisted upon such a privil-edge that he Should Signify unto them that it was our Express will and pleasure that our said Council should have the like power of Framing mending or altering money

money Bills as the Assembly had which Instructions we finde have been Comunicated by our said Late Govern^r. and our present Comander in Cheif and Council of our said Province from time to time to the Several Assemblys of our said Province Yet nevertheless the Assemblys of our said Province Sitting the fourteenth fifteenth Sixteenth Seventeenth and Eighteenth Days of Decr. One Thousand Seven hundred and Twenty five did in manifest and open Contempt of the said Thirty fifth Article of our Said Instructions Resolve that the Council of our Said Province should make noe alterations in Tax Bills: And that the said Assembly being more fully apprized by our said Council of our said Province the fifteenth Day of December aforesaid of the said thirty fifth article of our Said Instructions in further Contempt of our Said Instructions. And with Intent to Elude the Same did on the Eighteenth day of December aforesaid declare in a Speech made by their Speaker by order of their house to Our president and Comander in Cheif on his passing the Tax Bill that money Bills menconed in the Said Thirty fifth article of our Said Instructions must mean their paper Bills of Credit and not Bills to Tax the people Thereby most apparently perverting the plain words and obvious Sence and meaning thereof

thereof we therefore in further Confirmation of the
Said Instructions Doe further enjoyn You our said Coun-
cil to prepare annually an Estimate of the Charges
of Our Said Government and to send Send the same
down to the Lower House of Assembly at the usual
time of raising Taxes and suplys or passing Such
Bills And we doe further Expressly enjoyn You our
said Govern^d not to give your Assent to any Money
Bills or Bills for raising supplys or Taxes on The
Inhabitants unless a Comittee of our Council be joined
with a Comittee of the Lower House of Assembly in
Framing such Bills And You are to signify this to
be our will & pleasure to the Lower House of Assembly
for the Time Being

And Whereas we finde that during the Adminis-
tration of his Excellency Francis Nicholson Esqr Late
Govern^r of our Said Province There passed two several
Acts the one Intituled an Act for Establishing
County and Precinct Courts passed the Twentyeth Day
of September One Thousand Seven hundred and twenty
one, And One other Act Intituled An Additional
Act to An Act Intituled An Act for Establishing
County and Precinct Courts passed the twenty Third
Day of february one Thousand seven hundred and Twenty
two

two and alsoe one other Act during the administration of the Honble Arthur Middleton Esqr Intituled An Act for the Better Settling the Courts of Justice passed the Eleventh Day of March one Thousand Seven hundred and twenty Six And the Said Acts having been found highly prejudicial To Trade And the properties of our subjects we have thought fitt to Repeal the same. Nevertheless and forasmuch as the Establishing and Erecting of Courts is a Branch of our Royal Prerogative You our Govern^r by Virtue of our Letters Pattents & Commission to You Directed And by Virtue of these our Royal Instructions may if You by the advice of our said Council shall see Cause Erect and Establish one Court of Pleas and Sessions assize and Goal Delivery at Beaufort in Port Royal Island in Granville County And one other Court of Pleas and Sessions Assize and Goal Delivery in Craven County in the most convenient place for the Erecting thereof and that Such Courts be Established by You our said Govern^r with the Advice of our said Council And not otherwise

And Whereas Complaints hath been made unto us that since the Taking away the Writt of Sumons by Virtue of the Said recited Act diverse of our Subjects

subjects Especially such as are concerned in Trade meet with Great Difficulties in Getting in their Debts We have Thought fitt to Declare that our Intent of Repealing the said Last menconed Act is for The Revival of The Act Intituled An Act for the Amendment of the Law Ratiffyed the Seventeenth Day of December 1720 — — — —

— — — — — — — — —

Soe that The Credit^r may be at Liberty to proceed against his Debt^r by writt or Sumons as heretofore hath been Used

Reced from Mr Steph Godin

Reced 30th July } 1729
Read }

B. P. R. O. South Carolina B. T. Vol 4 C 65.

July 25th 1729

My Lords

In Obedience to your Commands I humbly presume to give your Lordships my thoughts on the Present State of South Carolina.

The Inhabitants are Computed to be two thousand Whitemen they have in Bills Ninety thousand pounds which is a Sum much too Great for so small a Number of People.

They have been at very great Expences to Support their Goverment I am of Opinion that their payments have been four times as much as any other Province in his Majestys Dominions on the Continent of America therefore I cannot think them in a Condition to discharge so Great a Debt but by degrees

If there is inserted an Article in the Governours Instructions to this End, undoubtedly the Assembly will readily agree to Pass an Act which would be both Advantagious and Honourable to their Country

If five Shillings be paid for every Tytheable Yearly in Bills the whole Debt will be cleared in Fivetean Years

There

There are reckoned to be at this time above Twenty Thousand Tythable Negroes the County will every Year Encrease their Number of White People and Blacks

I think it would be a great advantage to them to have a Rated Commodity in South Carolina, if Rice is rated at forty Shillings the Hundred their Bills will be Improved

With humble Submission to your Lordships I believe a Governour of South Carolina will find the People at his Arrival very ready to come into this method to Discharge their Debt if he has the Honour to inform them it will be agreeable to the King.

I am

My Lords

Your most Humble
and most Obed.t Serv.t
Geo Burrington

(The Lords of Trade)

Recd
Read } 3rd July 1729

B. P. R. O. South Carolina (B.T.) Vol. 26. p. 243.

31st July 1729.

To The Right Honble the Lords of the Committee of His Majesty's most Honble Privy Council.

May it please Your Lordsps.

In Obedience to Your Lordsps Order of the 2d Instant, referring to Us two Letters to His Grace the Duke of Newcastle from Arthur Middleton, Esqr President of the Council of the Province of South Carolina, and from the Council of that Province, together with two Representations Signed by the said Council, containing Compts against the Assembly. We have considered the said Papers and discoursed with sevl persons well acquainted with the State of that Province, by whom we are confirm'd in the Truth of the Several Facts and Complaints in the sd Papers contain'd, whereby We have great reason to believe, that the Province is in the utmost confusion, which in Our humble Opinion can be no otherwise redressed, but by the speedy appointment of a Governor: and whenever We shall receive His Majesty's Commands for preparing a Commission and Instructions for such Governor, the Papers referred to Us by Your Lordsps will be of great use for the forming of Instructions upon that Occasion

376

Occasion; We are

My Lords.

Your Lordsps.

Most obedient and most humble Servants,

J. Pelham.

M. Bladen.

W. Cary.

Whitehall.

31 July 1729.

B. P. R. O. South Carolina B. T. Vol 4. Col.

(7th August 1729)

Sir

You'll please to Communicate to the Right Honble the Lords Comm^rs for Trade that the Assembly of Pensilvania has lately laid a Duty of Forty Shillings ꝑ head upon every Palatin, that shall for the future arrive in that Province. So that now their Lordships have it in their power to settle Carolina with an industrious honest race of People.

There is also gone to South Carolina a few Palatines, (by Commission from their Country Men) in order to send home an Account of the Place, and I beg leave to observe, that it would be much for the Service of the Publick, if their Lordships would immediately recommend to the President and Counsel the Using those Persons with Humanity and Kindness

I am

Sir

Augt 7th 1729

Your most Obed^t
and most humble Serv
Tho Lowndes

Mr Popple Sec^ry to Lords of Trade
Reced 8th Aug^t } 1729
Read 12th D^o }

B. P. R. O. South Carolina B. T. Vol 4 C 66.

Wee his Majestys Subjects Tradeing to the several British Colonies in America are fully Convinced of the Wisdom and good Tendency of the Act of the Sixth of Queen Ann, regulating the Price of Coynes & Money for all the British Dominions in America to prevent the drawing & Transportation of Species from one place to another, which if it had been duely observed, & properly enforced by all Governours would have prevented the Misfortunes & Injustice the good & wellmeaning Traders, Widows, & Orphans have been subjected to, where Paper Money hath been Introduced by designing Men, to defraud their Creditors

And therefore pray that the said Paper Currencies be reduced & abolished & the Proclamation payments restored in their full force & Vertue Conformable to the said Act of Parliament, & the Many orders of the King & Council to all Governours on the Continent and particularly those of South Carolina

Richd. Shubrick. Tho Thomas. John Lambert
Peter Turner Edwin Somers, Steph Godin
Daniel Marcot James Maintru Gab Lopez
John Anns Noel Coffee John Bell
S. P. Godin

S. P. Godin John Searle Stephen De La Creuze
Tho.s Lingood, Anthony Neale, Solomon de Sae
Sam.l De La Creuz, John Watkinson, Sam.l Arnold
D. Harris. Jos. Wyeth, Isaac Pirou.
John Hewlett, John Govan, D.r Godin
Thomas Hyams Allard De Line, Sam.l Baker
Robert Hume, Samuel Travers

Rec.ed 14.th Aug.t 729
Read March 12: 1729/30

B. P. R. O. South Carolina B. T. Vol 4 C. 67

Additional Instructions to Governour Cap.t General & Comander in Chief in & over Our Province of South Carolina

Forasmuch as wee have been given to understand that during the Administration of Fran. Nicholson Esq. late Gov.r of our said Province to wit y.e 19th day of Sep.t 1721 there passed an Act in our said Province Intituled an Act to Ascertain y.e form and manner of Electing Members to represent y.e Inhabitants of y.e Province in y.e Comons House of Assembly & to appoint who shall be deemed & adjusted Capable of Choosing or being Chosen members of y.e said House.

And Whereas wee have found that our Royal Indulgencies granted to them by the said Act have been greatly abused, and that the Secrett method thereby ordained of Choosing their Members by Balloting hath turned greatly to our Prejudice, & that such Persons as have been of late Chosen by means thereof have openly headed or favoured divers Tumults raised to disturb y.e Peace & Civil order of our said Government, & likewise forgetting y.e Duty & Allegiance they owe unto us, have at divers times Trampled upon our

Royal

Royal Authority in the most egregious maner in Act-
ing in Manifest opposition to our Royal Orders &
Instructions by openly Affronting our Comander in Cheif
& ye members of our Council by Insolent & Invective
Messages & Speeches, by endeavouring to promote disorder
& Confusion in our said Government & have granted no
Supplys for maintaining the Garrisons in the pay of
our said Province or any other support of our Govern-
ment for near two Years past to ye endangering ye
Loss of our whole Colony.
And Forasmuch as by one other Clause in ye
same Act it is thereby declared amongst other things
that the said Lower House of Assembly should not be
disolved by their not meeting by means of which they
have frequently taken upon them in Contempt of
our Royal Authority not to meet on such days they
were Called to meet in Assembly or whereto they were
Prorogued nor yet according to their own Adjournments
But to meet at their pleasure when they saw fitt
& at other time have wholly absented & dispersed
themselves without leave of our Comander in Cheif
All which appears to us from the several Journals
of their own houses Wherefore in token of our
Royal displeasure wee have thought fitt to repeal the
said

said Law, & all other former Acts of Assembly for
Choosing of Members of Assembly in Parishes or Counties.
And Whereas it is of our Royal Grace & favour
& by virtue of our Letters Patents Comissions, and In-
-structions to our Governour directed that our Subjects
Planters, & freeholders in our said Province in Conjunction
with the Govern^r & Council in Our said Province are
permitted to make & enact good & wholesome Laws
for the Support & defence of our said Governm^t & for
ye peace & welfaire of ye same, so we will that
such general Assemblys shall be Called & holden
under such Limitations Qualifications & Restrictions
as are mentioned in the Instructions which you
our said Govr have now received from us. Where-
for we have thought fit to send you herewith
the Plan or draught of a Bill Intituled a Bill
for appointing of General Assemblies, & regulating
Elections which you are hereby required to propose
to the first General Assembly that shall be called
next after your Arrival to be passed into a Law &
that till such Act be passed you shall Cause the
General Assemblys to to Called & held from time to time
by virtue of our Letters Pattents & Comission & these
Instructions to you directed & no otherwise. And for
your

your better direction herein, you are hereby expressly required & enjoyned to follow & observe all such Rules and Methods for calling and holding of General Assemblies as are mentioned in the said Bill and no other, & which are hereby declared to be part of yr. Instructions, and that both wth respect to ye Teste & return of ye writts as also with respect to ye Execution & return thereof & likewise with respect to the number of Members to be Chosen for the several Parishes in our said Province the Qualifications of the Persons Voting and ye Persons Voted for, the Method thereby prescribed for taken the Poll openly the time affixed for takeing thereof ye administring the Oaths by Law appointed to be taken as likewise ye Oath of Qualification of a Member of ye Lower House of Assembly, ye Place where required to be administred, & ye manner of administring ye same on ye Holy Evangelists and no otherwise, the Number of Persons required to Constitute a House of Assembly & adjourning the same, the time of Continuance of such Assemblies, All which Rules & Methods you shall Follow & Observe from time to time & no other till they shall Consent to pass the same into Law And wee have thought fitt hereby to Signify & declare that the Assemblies so Called & holden by Virtue of

our

our said Comission & these our Instructions to you directed, & the Law by them passed shall be deemed equally Legal & of ye same force and Authority as if ye same had been held & passed by Virtue of any Act of a General Assembly Constituting the Method of Appointing General Assemblies & regulating Elections You shall not suffer at any time ye Members of ye Lower House of Assembly Collectively or separately to use or enjoy any Priviledges Powers or Authorities whatsoever contrary to these our Royal Orders and Instructions or Contrary to any of our Royal Orders and Instructions that you have received from us.

We further will that all and every our Officers of our Government in Our said Province as well those under our imediate Comission or those who shall be appointed by you our said Governour by the advice of our said Council by Virtue of the Powers & Authorities to you given by our said Comission and Instructions shall be answerable to us & to you our said Governour & Council only & not to any Lower House of Assembly for their Defaults miscarriages Ill Conduct, Misbehaviour or Neglects when if being found faulty they shall be suspended or displaced by you our said Governour with the advice and Consent of our said Council & be otherwise punished by

by the due Course of the Law, if the Case so require,
And you shall not suffer any of our said Officers
to be Convened before the Lower House of Assembly
or a Comittee of the Lower House of Assembly for the
Defaults, miscarriages, or Neglects other than for an
Apparent Breach of Priviledge offered to the Lower House
of Assembly or the Members thereof of which you
our said Governour & Council are to Judge wherein their
not appearing to answer at any time before them for
their defaults, Miscarriages or Neglects shall not be
deemed a Breach of Priviledge, for we will not that
our Officers be anywise answerable save to us only or
to you our said Govr. & Council & the due Course of
Law and if anything shall be done Contrary hereto, &
our Officers at any time hereafter should happen to be
Comitted to Custody or restraint of their Liberty for a
Contempt or pretended Contempt of any Lower House
of Assembly refusing to answer before them for their
defaults, Miscarriages, or Neglects, you are to Cause them
to be sett forthwith at large without paying any
fees on Account of such their Comittment and
imprisonment Yet Nevertheless on a Complaint made
to you our said Govr. by the Lower House of Assembly
against any our said Officers, you shall Cause y^e. same
to

to be examined & on due Consideration had with advice of our said Councel you shall do therein as to Justice shall appertain. You shall not suffer any Resolve Vote or Order of the Lower House of Assembly or any Lower House of Assembly for the time being to Contract any ye Acts Judgements or Proceedings of any of our Courts of Justice in our said Province & if any such be the same shall be holden for Null, and if any of our Officers shall happen to be restrained of their Liberty for acting Contrary to such votes or Resolutions, you shall cause them to be set at large without payment of any fees & all our Officers of our said Courts of Justice are hereby strictly Injoined to proceed according to Law & Justice without any regard to such Votes or Resolves on pain of being Removed from their said offices & undergoing such further tokens of our displeasure as we shall see Cause to Inflict

And Whereas we have before directed that attested coppys of the Journals of the upper & Lower House of Assembly should be sent home by you to our Principal Secretary of State & to the Lords of Trade & Plantations ye are now further to Insist that one other Attested Coppy of ye Journal of ye Lower House be

387

be made at ye Publick Charge & layd before you in Council at the end of every Adjournment, Prorogation, or Desolution as you shall see Cause to require the same to be kept in our Council Office to the Intent you our said Govr. and Council of our said Province may have recourse thereto as oft as need shall require which Journals together with all & every the Journal of our Council & Council in Assembly You are to leave in our Council Office at your Departure from the Province or other determinat^n. of yor. Government, & shall not remove them from thence on any pretence whatsoever

Rec^ed 10th Augt 1729 — Rec^ed from Mr Godin
Read March 12th 1729/30

B. P. R. O. South Carolina B. T. Vol 11 C 71.

Portsmouth the 16th August 1729

My Lords

The 20th of September last, I sent a Memorial to be laid before your Lordships relating to peopling South Carolina; and now seeing by the News Papers that his Majesty had the full Possession of that Collony; I thought it not improper to acquaint your Lordships that if Consistant am ready, and desire to know his Majesties Intentions, that I may form proper Proposals to undertake it by Contract or otherwise as may be thought most for his Majesties Interest to which I shall have a true Regard & with great Respect, remain

Your Lordships

Most Obedient & humble Servant

Jno. Missing

Rt. Honble the Lords of Trade & Plantations

Reced 18th August 1729

Read March 18th 1729/30

B. P. R. O. South Carolina B. T. Vol 4. 657

Copy of a Bill prepared in April 1728 for taking off the Enumeration of Rice

Communicated by Mr Cary

Recd 15th Augt } 1729
Read

B. P. R. O. South Carolina B. T. Vol 4 C. 58.

(11th October 1729)

Sir

The Palatins, who were by their Country Men sent to South Carolina to view that Province, have been at Port Royal and made some Stay there & approve very much of the Country, and have made an Advantagious Report of it to those that sent them.

I am

Sir

Your most Obedt and most humble Servant

11th Octor 1729

Tho Lowndes

Recd 11th Octor } 1729
Read 31st Ditto }

B.P.R.O. A & W.I. Vol. 620. ?later abt 1727

(about Aug. 1724)

The Case of Robert Johnson Esq[r] late Governour of South Carolina under the Lords Proprietors of that Colony.

That by a Comission from the Lords Proprietors he was appointed Governour &c of South Carolina and had his Majesty's Royall approbation for being so, according to a Law in that Case provided, and Continued so for about the Space of two years at which time a Warr breaking out with Spaine Wee had Advice that the Spaniards designed to attack that Province Which put the Inhabitants in a great Consternation by reason of the Weakness of the place there not being above 1400 Men fitt to bear Armes Which Occasioned a Resolution in all of them Humbly to Address his Majesty that he would be Graciously pleased to take them into his own immediate Government and Protection for That they apprehended they could never be Secure in their Lives and Fortunes under the Government of the Lords Proprietors who were not able to Protect the Colony which lay exposed to the Attacks both of the French and Spaniards as lying next to their Settlements and upon this Occasion the Assembly of the Colony sent the Governour an Address as by the Copy of it may appear thanking him for the Services he had done the Province and

and in particular his haveing in Person taken Severall Pyrate Vessells which then Infested the Coast, And Declared how Earnestly they desired the Continuance of his Government over them.

His Majesty was Graciously pleased to answer the requests of the People and sent Colonel Francis Nicholson with his Comission as his Majesties Provisional Governour.

That Mr Johnson was at a great expence in transporting his family to Carolina as also in going in person against the Pyrates for he Declined receiving the Perquisites belonging to him as Admirall having to encourage the undertaking before he Embarqued promised to the Voluntiers all Advantages that should Accrue which Extraordinary expences the small income of the Government whilst under the Lords Proprietors and the short time he enjoyed it being Considered has rendered his Circumstances above one thousand pounds worse than when the Government was given him.

That his Father who preceded him in the same Government was Attacked in Queen Ann's Warr by the French and Spaniards in Concert, he Defeated them Killing and takeing about 400 of the Enemy with one of their Ships of Warr, which Success was principally owing to his having Seasonably Fortifyed Charles Town the Metropolis of the Province

Province against them.

That his Father was likewise before that General of the Leeward Islands and their remaines in arrear on Accompt of Sallary as Generall and Pay as Captaine of an Independant Company in the said Islands were Three thousand Pounds which is now due from the Crown to Mr. Johnson as Executor to his Father.

That his Mother and her Children returning to England from the Leeward Islands where taken by the French whereby the Family Sustained a very great loss, they were kept prisoners above a Year and used with great Severity and Hardships under which she died: His Brother Died in the East Indies Comander of a Man of Warr in King Williams Service.

That upon his leaving Carolina where his wife and Family now are; Colonel Nicholson the present Governour acquainted him that he had Desired his Majesties Gracious leave to return to England.

Wherefore It is most Humbly Hoped His Most Sacred Majesty in Consideration of the aforesaid Premises will be Graciously Pleased to appoint Mr. Johnson to succeed Colonel Nicholson as his Majesties Provisional Governour of South Carolina.

appointed Govr. (2nd time) Nov. 1729. W.R.

B. P. R. O. South Carolina B. T. Vol 4 C 59.

Whitehall November 22d 1729

My Lords

His Majesty having been pleased to appoint Robert Johnson Esqr to be Governor of South Carolina in America; it is His Majesty's Pleasure that the Draughts of his Commission and Instructions may be prepared, in order to be laid before His Majesty for His Approbation

I am

My Lords

Your Lordps

most obedient humble Servant

Townshend

Lords Commrs of Trade

Reced Novemr 22d } 1729
Read Decr 2d }

B. P. R. O. South Carolina B. T. Vol 4 C 71.

5th Decr 1729

My Lords

With the greatest defference I beg leave to Observe to Your Lordships, that exact Charts of all the Sea Coasts &c Bays, and Soundings of all the Harbours of his Majts American Dominions and Maps of all the Inland Territory, might be procured to the great Advantage of the Publick and without any Additional Charge. If North Carolina which (ever since twas a Seperate Governmt) has only been a Receptacle for Pyrates Thieves, and Vagabonds of all Sorts was made a District of Virginia and the Quitt Rents for Lands let Out duely received, there would be a Competent Fond, to reward a knowing and honest Man, to make such a Noble and usefull Survey

The Establishmt for Officers in the Proprietors time, which the Quitt Rents always discharged, amounted to 480£ and if a Rental was obtained (which the Propts could never get) would amount to a much greater Sum. The Soyl of North Carolina is much better than that of Virginia its Timber is of the largest Growth, there is great Quantity of Iron

Iron Oar and (according to information) good reason to expect Copper Mines, and the New England Traders get from thence a very great Quantity of the best Pitch and Tarr in Barter for Rum, Spirits, Molosses and other Goods which would bear a Moderate Duty, to make up any Deficiency, that might happen to the Fond, proposed to Defray what I humbly conceive so Usefull an Undertaking. For besides all the other advantages of such a Survey. Wee should effectually prevent the French from encroaching within the Limits of Our Newfoundland and other Fisherys.

And when this Affair is quite perfected I beg leave farther to Hint that by the same Fond, a Light House may easily be Erected, on the Point of Hilton-Head-Island in the Gulf of Florida, where there is great Plenty of Noble Timber, and the Land High and very fit for that Purpose And this Fond may be so augmented by an Easy Duty upon the Tonnage of all Ships coming from Jamaica and elsewhere through the Gulf (wch all the Traders for their own Security would readily come into) as would maintain a Competent Members of Trinity-Brothers to Assist Vessells that pass

through

through that dangerous Navigation

And of what use such an Institution would be in Case Port Royal should be made a Harbour for a Royal Navy, and a Place for Stores, and of what Service it would be to the Publick, to have some Seamen of this Nation perfectly acquainted with all the Currents and Counter Currents in the Gulfs of Mexico and Florida and to know all the Narrow Passages to Cuba through the Bahama Islands, and all the Shifting Sand Banks in those Parts, with a great many more Advantages which would accrue to Navigation and Commerce, I beg leave most humbly to Submit to Your Lordships great Judgem.t and Wisdom, and am, with the most profound respect.

My Lords

Your Lordships

most Obed.t and most

faithfull humble Servant

Tho: Lowndes

P.S.

If very particular and unusual Instructions and not given to the Surveyour Gen.ll and Sec.ry of South Carolina the Settling that Province will

398

will be much prejudiced
Recd Decemr. 8: 1729
Read March 13: 1729/30

B.P.R.O. South Carolina (B.T.) Vol. 25. p. 244.

9 Decr. 1729.

To the Rt. Honble the Lord Viscot Townshend.

My Lord.

Having in obedience to His Majesty's commands signify'd to us by Your Lordships Letter of the 22d of last Month, prepared the Draught of a Comn. for Robt. Johnson Esq to be His Majesty's Captain General and Governor in Chief of His Majesty's Province of South Carolina in America; We herewith transmit ye same to Your Lordsp with Our Representation thereupon, which your Lordsp will be pleased to lay before His Majesty. We are

My Lord,

Your Lordsp's,

Most Obedient and most humble

Servants.

P. Docminique.

W. Cary.

Orlo. Bridgman

M. Bladen.

Whitehall.

9 Dec. 1729.

B. P. R. O. South Carolina (B.T.) Vol. 25 p. 245

9 Decr. 1729.

To the King's most Excellt. Majty.

May it please Your Majesty

I Obedience to Your Majesty's Commands Signify'd to Us by the Right Honble. the Lord Viscot. Townshend's Lettr. of the 22d of the last Month. We have prepared the Draught of a Commission for Robt Johnson Esq. to be Your Majesty's Captn. General and Governor in Chief of Your Majesty's Province of South Carolina in America which being in the Usual Form with the Commissions for other Your Majesty's Governors of Your Majesty's Plantations; We herewith humbly lay the same before Your Majesty for Your Royal approbation; and are preparing the necessary Instructions for the Sd Robt. Johnson, Esq. with all possible Dispatch,

Which is most humbly Submitted,

P. Docminique. M. Bladen,

Whitehall. Orlo. Bridgman, W. Cary.

George the 2d by the Grace of God, of Great Britain France and Ireland, King Defender of the Faith &c.,

To Our Trusty and Welbeloved Robert Johnson, Esq. Greeting; Whereas Our late Royal Father of blessed memory

Memory did by His Letters Patents under His Great Seal of Great Britain bearing date at Westminster the day of in the Seventh Year of His Reign, constitute and appoint Francis Nicholson Esq. since deceased to be Captain General and Governor in Chief in and Over Our Province of South Carolina in America, for and during his Will and Pleasure, as by the same Letters Patents relation being thereunto had may more fully and at Large appear: Now Know you, that We have revoked and determined, and by these presents do revoke and determine the said recited Letters Patents, and every Clause, Article and thing therein contained: And further Know You that We reposing especial Trust & Confidence in the Prudence Courage and Loyalty of you the said Robt Johnson of Our Certain Knowledge and meer motion have thought fit to constitute and appoint, & by these presents do constitute and appoint you the said Robt Johnson to be Our Captn General & Govr in Chief in & over Our said Province of South Carolina in America.

And We hereby require and comd you to do and execute all things in due manner that shall belong unto your said command, and the Trust We have reposed in you, according to the several Powers and Authorities granted or appointed you by this present

present Commiss.ⁿ and the Instructions herewith given you, or by such further powers, Instructions and Authorities as shall at any time hereafter be granted or appointed you, under Our Signet and Sign Manual, or by Our Order in Our Privy Council, and according to such reasonable Laws and Statutes as now are in Force or hereafter shall be made and agreed upon by you, with the Advice and Consent of Our Council, and the assembly of Our Said Province under Your Government, in such manner and form as is hereafter expressed.

And Our Will and Pleasure is, that you the Said Robert Johnson (after the publication of these Our Letters Patents) do in the first place, take the Oaths appointed to be taken by an Act passed in the first Year of Our said late Royal Father's Reign, Entituled, An Act for the further Security of His Majesty's person and Govt and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants, and for extinguishing the Hopes of the pretended Prince of Wales, and his open and Secret Abettors, as also that you make and subscribe the Declaration mentioned in an Act of Parliament made in the 25th Year of the Reign of King Charles

Charles the 2^d, Entituled, An Act for preventing dangers which May happen from Popish Recusants; And likewise that you take such Oath as is usually taken by the Governor of Our Colony of Virginia, Mutatis Mutandis, for the due Execution of the Office and Trust of Our Captain General and Govr of Our said Province for the due & Impartial Administration of Justice; And further that you take the Oath required to be taken by Governors of Plantations to do their utmost, that the several Laws relating to the Plantations be observed, which said Oaths and Declaration, Our Council in Our said Province or any three of the Members thereof have hereby full power and Authority & are required to tender and administer unto you and in Your Absence to Our Lieuten^t Govr if there be any upon the Place, all which being duly performed, you shall after your Arrival in Our said Province of South Carolina, administer unto the Members of Our S^d Council, as also to Our Lieut. Governor if there be any upon the Place, the said Oaths mentioned in the said Act Entituled An Act for the further Security of His Majesty's Person and Government & the Succession of the Crown in ye Heirs of the late Princess Sophia being Protest^{ts} and for extinguishing the hopes of the pretended Prince of Wales, and his open & Secret Abettors; as also to

Cause

Cause them to make and suscribe the aforementioned Declaration
and to administer to them the Oath for ye due Execution of
their Places & Trusts.

And We do hereby give & grant unto you full pow-
er and Authority to Suspend any of the Members of Our
Said Council from Sitting, Voting and assisting there-
in, if you shall find just cause for so doing.

And if it shall at any time happen, that by the
Death, departure out of Our said Province, Suspen-
sion of any of Our Said Councillors or otherwise there
shall be a vacancy in Our sd Council (any three whereof
We do hereby appoint to be a Quorum) Our Will and
Pleasure is, that you signify the same unto Us by
the first opportunity, that We may under Our Signet
and Sign Manual constitute and appoint others in their
Stead.

But that Our Affairs at that distance may not
suffer for want of a due number of Councillors if
ever it shall happen that there be less than Seven of
them residing in Our Said Province, We do hereby
give and grant unto you the Said Robt Johnson
full power and authority to chuse as many per-
sons out of the principal Freeholders, Inhabitants
thereof, as will make up the full Numbr of Our
Said

Said Council to be Seven and no more: Which persons so chosen and appointed by you, Shall be to all intents and purposes Councillors in Our Sd. Province, until either they shall be confirmed by Us, or that by the Nomination of others by Us, under Our Sign Manual and Signet Our Said Council shall have Seven or more Persons in it.

And We do hereby give & grant unto you full power and Authority, with the Advice, and Consent of Our said Council, from time to time as need shall require, to Summon and call General Assemblies of the said Freeholders and Planters within Your Government, according to the Laws and usages of Our sd. Province of So: Carolina.

And Our Will and Pleasure is, that the persons thereupon duly elected by ye Major part of the Freeholders according to such Laws and usages as aforesaid, and of the respective Countries and Places and so returned, shall before their sitting take the Oaths mention'd in the Said Act, Entituled, An Act for the further Security of His Majesty's Person and Government and the Succession of ye Crown in the Heirs of the late Princess Sophia being Protestants, and for extinguishing the hopes of the pretended Prince of Wales & his

his open and Secret Abettors, As also make & subscribe the formentioned declaration (which Oaths and Declaration You shall commissionate fit persons under Our Seal of South Carolina to tender & administer unto them, and until the same shall be so taken and subscribed, no person shall be capable of sitting tho' Elected) And we do hereby declare that the persons so Elected and Qualify'd Shall be called and deemed the general Assembly of that Our Said Province and Territory of South Carolina

And that you the said Robt Johnson, with the Consent of Our said Council and Assembly or the Major part of them respectively, shall have full power and Authority to make, constitute and ordain Laws, Statutes and Ordinances for the publick Peace, Welfare and good Government of Our said Province, and of the People and Inhabitants thereof, and such others as shall resort thereto, and for ye Benefit of Us, Our Heirs and Successors, Which said Laws Statutes and Ordinances are not to be repugnant, but as near as may be, agreeable to the Laws & Statutes of this Our Kingdom of Great Britain.

Provided, that all such Laws, Statutes and Ordinances, of what Nature or Duration soever, be within 3 Months or Sooner after the making thereof, transmitted unto Us under Our said Seal of South Carolina, for Our

407

Our Approbation or Disallowance of the same as also Duplicates thereof by the next Conveyance.

And in case any or all of the sd Laws, Statutes and Ordinances not before confirmed by Us, shall at any time be disallowed, and not approved, and so signify'd by Us Our Heirs or Successors under Our or their Signet or Sign Manual, or by Order of Our or their Privy Council, unto you the sd Robt Johnson, or to the Commander in Chief of Our said Province for the time being, then such and so many of the said Laws, Statutes and Ordinances as shall be disallowed and not approved, shall from thenceforth cease, determine & become utterly void and of none effect, any thing to the contrary notwithstanding.

And to the end that nothing may be passed or done by Our said Council or Assembly to the prejudice of Us, Our Heirs and Successors: We Will and ordain that you the sd Robt Johnson, shall have and enjoy a Negative Voice in the making and passing of all Laws, Statutes and Ordinances as aforesaid.

And you shall and may likewise from time to time, as you shall judge it necessary, Adjourne, Prorogue & Dissolve all General Assemblies as aforesaid.

Our further Will & Pleasure is, that you shall and

and may keep and use the publick Seal of Our Province or Territory of South Carolina, for Sealing all things whatsoever that ought to pass the Seal of Our sd Province under Your Government.

And We do further give & grant unto you the said Robt Johnson full power and Authority from time to time and at any time hereafter by yourself, or by any other to be Authorized by you in that behalf, to administer & give the Oaths mentioned in the said Act for the further Security of His Majtys person and Government & the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants, and for extinguishing the hopes of the pretended Prince of Wales, and his Open and Secret Abettors; to all and every such person and persons as you shall think fit, who shall at any time or times pass into Our sd Province or shall be resident of abiding there.

And We do by these presents give and grant unto you the said Robt Johnson full power and Authority with the Advice and consent of Our said Council to Erect, Constitute and Establish such & so many Courts of Judicature and Publick Justice within Our sd Province & Territory as you and they

they shall think fit & necessary, for the hearing & determining of all Causes as well Criminal as Civil according to Law and Equity, and for awarding of Execut.ns thereupon, with all reasonable & necessary Powers, Authorities, Fees and Privileges belonging thereunto, as also to appoint and Commissionate fit persons in the several parts of Your Government, to Administer the aforesd Declaration unto such persons belonging to the sd Courts as shall be obliged to take the same.

And We do hereby Authorize & Empower you to constitute & appoint Judges and in cases requisite Commissrs of Oyer and Terminer, Justices of ye Peace and other necessary Officers and Ministers in Our Said Province, for the better Administration of Justice and putting the Laws in Execution; and to Administer or Cause to be Administred unto them such Oath or Oaths as are usually given within Our sd Colony of Virginia for the due Execution and Performance of Offices and Places, and for the clearing of Truth in Judicial Causes.

And We do hereby give and grant unto you full Power & Authority where you shall see Cause or shall judge any Offender or Offenders in Criminal

matters

matters, or for any Fines or Forfeitures due unto Us, fit objects of Our Mercy, to pardon all such Offenders, and to remit all such Offences, Fines and Forfeitures, Treason and Wilful Murder only Excepted; In which case you shall likewise have power, upon extraordinary Occasions to grant Reprieves to the Offenders until, and to ye intent Our Royal Pleasure may be known therein.

And We do by these presents Authorize and Impower you to collate any person or persons to any Churches Chapples or other Ecclesiastical Benefices within Our Said Province and Territory aforesaid, to which We Our Heirs and Successors are or shall be Entituled to Collate as often as any of them shall happen to be Void.

And We do hereby give and grant unto you the Sd Robt Johnson by yourself or by your Captains and Commanders by you to be Authorized full power and Authority to Levy, Arm, Muster, command and employ all persons whatsoever residing within Our Said Province and Territory of So: Carolina, and as occasion shall serve to march from one place to another, or to embark them for the resisting & withstanding of all Enemies, Pirates and Rebels, both at Land and Sea

411

Sea, and to transport such Forces to any of Our Plantations in America is necessity shall require, for the defence of ye same against ye Invasion or Attempts of any of Our Enemies and such Enemies, Pirates and Rebels (if there shall be Occasion) to pursue and prosecute in or out of the Limits of Our said Province and Plantations or any of them: And (if it shall so please God) them to Vanquish, apprehend & take, and being taken according to Law to put to Death, or keep and preserve alive at your discretion; And to execute Martial Law in time of Invasion or other times when by Law it may be executed, and to do and execute all and every other thing and things which to Our Captain General or Govr. in Chief doth or ought of right to belong.

And We do hereby give and grant unto you full power & authority by and with the advice and Consent of Our said Council of South Carolina to Erect, Raise and Build in Our said Province & Territory such and so many Forts and Platforms, Castles, Cities, Boroughs, Towns and Fortifications as you by the Advice aforesaid shall judge necessary; And the same or any of them to Fortify & Furnish with Ordnance, Ammunition, & all Sorts of Arms fit and necessary

necessary for the Security and defence of Our Said Province And by the advice aforesaid the same again or any of them to demolish or dismantle as may be most convenient.

And forasmuch as divers Mutinies and disorders may happen by persons Shipt and Employ'd at Sea during the time of War, may be better governed and ordered, We do hereby give and grant unto you the Sd Robt Johnson, full power and authority to constitute & appoint, Captains, Lieutents Masters of Ships and other Commanders and Officers, and to grant to such Captains, Lieuts Masters of Ships and other Commanders & Officers Commissions to Execute the Law Martial according to the directions of An Act passed in the 13th Year of the Reign of King Chas the 2d, Entituled, An Act for the Establishing Articles and Orders for the regulating and better Government of His Majesty's Navies Ships of War and Forces by Sea, during the time of War, and to use such proceedings, Authorities, Punishments, Corrections and Executions upon any Offender or Offenders who shall be Mutinous, Seditious, disorderly or any way unruly, either at Sea or during the time of their abode or Residence in any of the Ports, Harbours or Bays of Our Sd Province or Territory as the Cause shall be found to require according to Martial Law, and the Sd directions during the

the time of War as aforesaid: Provided that nothing herein contained, shall be construed to the enabling you or any by your Authority, to hold Plea, or have any Jurisdiction of any Offence, Cause, matter or thing committed or done upon the High Seas, or within any of the Havens Rivers or Creeks of Our said Province and Territory under your Government by any Captain, Commander, Lieut. Master, Officer, Seamen, Soldier or person whatsoever, who shall be in Our actual Service and Pay in or on Board any of Our Ships of War, or other Vessels acting by immediate Commission or Warrant from Our Commiss.rs for Executing the Office of Our High Admiral of Great Britain for the time being under the Seal of Our Admiralty: But that such Captain Commander, Lieut. Master, Officer, Seamen, Soldier or other person so offending shall be left to be proceeded against & Tryed as their Offences shall require either by Commission under Our Great Seal of Great Britain as the Statute of the 28.th of Henry the 8.th directs, or by Commission from Our s.d Commiss.rs for executing the Office of Our High Admiral or from Our High Admiral of Great Britain for the time being, according to the forementioned Act for Establishing Articles and Orders for the regulating and better Government of His Majesty's Navies, Ships of War, and Forces by Sea, and not otherwise: Provided

Provided nevertheless that all disorders & Misdemean^rs commit-
ted on Shoar by any Captn Command^r, Lieut, Master, Officer,
Seaman, Soldier or other person whatsoever, belonging to any
of Our Ships of War or other Vessels acting by immediate
Commission or Warrant from Our said Commissioners
for Executing the Office of High Adm^l or from Our
High Admiral of Great Britain for the time being, under
the Seal of Our Admiralty may be tryd & punished
according to the Laws of the Place where any such
disorders, Offences, and Misdemeanours shall be com-
mitted on Shore, notwithstanding such Offender be in
Our actual Service and Born in Our Pay on Board
any Such of Our Ships of War or other Vessels acting
by immediate Commission or Warrant from Our said
Com^rs for Executing the Office of High Admiral or Our High
Admiral of Great Britain for the time being as aforesaid, so
as he shall not receive any protection for ye avoiding of
Justice for such Offences committed on Shoar, from any
pretence of his being Employed in Our Service at Sea.

And Our further Will & Pleasure is, that all publick
mony raised or wch shall be raised by any Act hereafter
to be made, within Our s^d Province, be issued out by
Warrant from You, by and with the advice and con-
sent of the Council, and disposed of by You for the
support

support of the Government and according to the Laws of Our Sd. Province of South Carolina and not otherwise.

And we do likewise give and grant unto you full power & authority, by and with the advice and consent of Our said Council to settle and agree with the Inhabitants of Our said Province for such Lands, Tenements and Hereditaments as now or hereafter shall be in Our power to dispose of, and them to grant to any person or persons upon such terms and under such moderate Quit Rents, services and acknowledgments to be thereupon reserved unto Us, as you by ye advice aforesd. shall think fit: which said Grants are to pass and be sealed by Our public Seal of Our Sd. Province and being entred upon Record by such Officer or Officers as are or shall be appointed thereunto, shall be good and effectual in Law against Us, Our Heirs & Successors.

And we do hereby give and grant unto you the Sd. Robt. Johnson full powers to order and appoint Fairs Marts and Markets, as also such and so many Ports, Harbours, Bays, Havens & other Places for convenience & security of Shipping & for the better loading & unloading of Goods & merchandizes, as by you with the advice and consent of the said Council shall be thought fit and necessary.

and

And We do hereby require & Comand all Officers and Ministers Civil & Military and all other Inhabitants of Our Sd. Province and Territory to be Obedient, Aiding and assisting unto You the Sd. Robt Johnson in the Execution of this Our Commission and of the powers and Authorities herein contained, and in Case of Your Death or Absence out of Our Sd. Province to be obedient, Aiding and Assisting unto such person as shall be appointed by Us, Our Heirs and Successors to be Lieut. Govr. or Commander in Chief of Our said Province; To whom We do therefore by these presents give and grant all and singular the Powers and Authorities herein granted; to be by him Executed and enjoy'd, during Our Pleasure or until Your Arrival within Our Sd. Province, and whom We do hereby require to take all such Oaths & make such Declaration as are herein before appointed to be taken and made by you, Mutatis Mutandis wch. Sd. Oaths and Declaration, Our Sd. Council, in Our Sd. Province or any three of the members have hereby full Power and are hereby required to tender and Administer

And if upon Your Death or Absence out of Our Sd. Province there be no person upon the place Commissionated

or

or appointed by Us to be Our Lieutent. Govr. or Commander in Chief of Our Sd Province: Our Will and Pleasure is that the eldest Councillor whose Name is first placed in Our said Instructions to you, and who shall be, at the time of your Death or Absence residing within Our Sd Province and Territory of South Carolina, shall take upon him the Administration of the Governm^t and Execute Our Sd Commission and Instructions, and the Several Powers and Authorities therein contained in the same manner and to all intents and purposes as other Our Governor or Commander in Chief should or ought to do in case of your Absence, until your return, or in all cases until Our further Pleasure be known therein.

And We do hereby declare, ordain and appoint that you the said Robt Johnson, shall and may hold, Execute and enjoy the Office and Place of Our Captain General and Governor in Chief of Our said Province & Territory of South Carolina, with all its Rights, Members and appurtenances whatsoever, together with all and Singular the powers and Authorities hereby granted unto you, for and during Our Will and Pleasure. In Witness whereof We have caused these Our Letters to be made Patents. Witness Our Self at

West-

Westminster the day of in the third Year of Our Reign.

B. P. R. O. South Carolina B. T. Vol 4 C 19.

(11th December 1729)

At the Court at St James's
the 11th day of December 1729

The Kings most Excellt Majesty in Councill

Upon reading this day at the Board a Draught of a Commission prepared by the Lords Commissrs for Trade and Plantations for Robert Johnson Esqr to be Captain General and Governor in Chief of His Majesty's Province of South Carolina in America Which Draught the said Lords Commissrs have represented to be drawn in the usual Form with the Commissions for other His Majestys Governors in America. His Majesty in Councill was thereupon pleased to Approve thereof, and to Order as it is hereby Ordered that One of His Majestys Principal Secretarys of State do Cause a Warrant to be prepared for His Majesty's Royall Signature in Order to pass the said Draught of a Commission (which is hereunto annexed) under the great Seal of Great Britain.

A true Copy Ja: Vernon

Recd 30: May } 1730
Read 4: June }

B. P. R. O. South Carolina (B.T.) Vol. 25 p. 270.

16 December 1729.

To John Scrope Esqr

Sir,

My Lords Commissrs for Trade & Plantations having under consideration a Draught of Instructions for Col. Johnson, appointed Governor of South Carolina: I am commanded to desire you will move the Lords Commissrs of His Majtys Treasury that they will please to communicate to my Lords a Copy of the Surrender of the Lords Proprietors, and of all such other Papers as may have relation to the said Province and be necessary to be perused in forming Instructions upon this Occasion. I am,

Sir,

Your most humble Servant,

Alured Popple.

Whitehall.

16 Dec. 1729.

B. P. R. O. South Carolina B. T. Vol 4. C 60.

(19th December 1729)

Sir

According to the Information you gave me that it would be Agreeable to the Lords for me to lay before them such things as I conceived might be Necessary for their Lordships Consideration. I beg leave to Observe to you

1st That an Act of Assembly being past about Six years ago for Sinking gradualy the paper Money, and Orders from his Majesty having been since given not to alter that Law, this has occasioned so great an uneasiness yt the Assembly cannot be induced to proceed upon any business previous to ye Altering and Setling their paper currency, by insisting upon a Liberty to Reissue all that was to be Cancell'd by the aforesaid Act in order to defray the contingent expences of several Expeditions made against their Enemy which they requested about three years ago by an humble Address to his late Majesty setting forth the necessity of it, the Subject matter of which Address lyes as I am Informed undetermined, and such is the obstinacy of the Assembly in not being gratified in this matter that they have refused for three years past

to

to provide any Tax whereof to raise Money for the Defence and security of the Province, Therefore this is a matter that deserves particular Consideration, and a point upon which I must request to be very fully and clearly Instructed.

2dly That in the Disposing and Settling the Quitt Rents of Lands as well to be Sold, as those already purched it will be necessary to peruse an Act passed above thirty years ago Intitled An Act to Ascertain the prices of Land & payment of Quitt Rents &ca which Act the Assembly insisting the Lords Proprietors were bound by and the Lords requiring to be paid in Proclamation Money this occasioned the shutting up the Land Office and no Land being sold for many years nor any Quitt Rents being paid for above Twenty Years, therefore these are points also requiring particular Consideration and upon which I must likewise beg to be fully and clearly Instructed.

3dly If the Arrears of Quitt Rents are to be requir'd it will be Necessary for me to be Instructed in what manner they are to be applyed and it is Submitted whether it will not be necessary that the same be directed to be apply'd to

to the publick uses of the Province in building a States house Fortifications &c.

4thly That the Boundaries of South Carolina and North Carolina are absolutely necessary to be ascertained and Settled to prevent any of the Inhabitants of South Carolina from running to Cape Fair and Settling there to defraud their Creditors, and for the remedying this evil. That Cape Fair be made a Port and a Collector of the Customs appointed to reside there, and the said place declared to be within the limits of South Carolina.

5thly That another Company of Soldiers are much wanted for ye Security of the Frontiers of this province from the Indians, and to do Duty in Johnstons Fort which Commands the Ships coming up to Charles Town.

6thly That great Guns for Johnstons Fort and the Bastions and line next the Sea at Charles Town are greatly wanted Vizt. 40 Twelve pounders for the Bastion and line at Charles Town & 20 Eighteen pounders and 12 Sakers for Johnstons Fort, and 500 light Muskets as many pair of pistolls and pouches, all the Forts are almost ruin'd by the hurricane about a year ago

7thly

7thly That it is conceived it will be necessary there be a New Broad Seal of the Province and a new Commission for the Trying of Pyrates

8thly That as the Charakee Indians a numerous Nation who have behaved themselves well towards the English, sent by the hands of one Mr Sawy who lived long amongst them, an Address to his Majesty accompanied with a present of Carpets &c. It would be very necessary for me to be Instructed to own his Majestys receipt thereof, and to send them in return to the value of £200 which would very much Attach those people to ye English and be of great Service to the Province.

9thly That Lord Townsend has directed me to acquaint their Lordships that it was advisable that a Clause in the bounty Act which obliges all Tarr makers to burn the Moiety of every Kiln of Tarr into Pitch should be recommended to the Parliament next Session to be repealed because his Lordship is informed by Mr Spotiswood that it is apprehended this clause continued will bring a great disreputation upon American Tarr, and moreover that his Lordship is of Opinion the Numeration should be taken off all Rice carried from Carolina to the Southward of Cape Finestere

10thly That whereas by an Act Intituled an Act for

for Establishing An Agreement &c there is a Saving to all and every person and persons having or Lawfully claim-ing any office or offices place or places Imployment or Imployments by or under any Grant or Grants there-of made before the said first of January 1727 under the Common Seal of the said Lords Proprietors either in England or in the Provinces aforesaid and having been informed that some doubts have arisen concern-ing the Legality of some of the said Offices. I am to desire that their Lordships will take this matter into their consideration and instruct me what, how many and the number of Offices I am to permit to be held & enjoyed by any person or persons in pursuance of the said saving

This is all that occurs to me at present which I beg you'll lay before their Lordships. and believe me with great truth

Sir

Your most Obliged Humble Servant

Dbr. 19: 1729 Robt Johnson

P. S. Nothing is so much wanted in Carolina as White Inhabitants, It is my Opinion therefore that if His Majesty would be at the Charge of Transporting of about Two hundred Familys of Swiss or other Foreigners

Forreigners and give Forty Shillings a Head to each man to buy working Tools and other necessarys and Lands at easy Rates with what the Assembly of Carolina are inclined to do for them they will find themselves so happy and easy that they will soon invite great Numbers to follow them to Carolina as they have done to other Colonys without farther charge to the Crown

Recd Decemr 20th 1729
Read Janry 28th 1729/30

B. P. R. O. South Carolina B. T. Vol 4 C 61

(19th December 1729)

Copy of an Act passed in 1695/6 to ascertain the Prices of Land, the Forms of Conveyances and the manner of recovering of Rents &c

Copy'd from Colo Johnsons and referr'd to in His Letter of ye 19: of Decemr 1729

Reced Decr 20: 1729

Read Janry 28: 1729/30

B. P. R. O. South Carolina B. T. Vol 4 C 72.

(23rd December 1729)

Sir

The Officers of Carolina that are within the intention of the Saving Clause of the Act for Purchasing Carolina are Edward Bertie Esq Secry and Register for Two Lives, Myself for Two Lives as Provost Marshall Clerk of the Peace and Crown.

Mr Robert Wright was appointed Chief Justice for Life But he having never been possessed of his Patent and some of the Ministers urging of what ill Consequence it might be to have that Officer for Life Twas agreed that notwithstanding the Saving Clause that Patent should be delivered up to the Lords Commrs for Trade to be cancelled and that it should be an Article in the Governours Instructions to Appoint Mr Wright his Majesties Chief Justice of South Carolina during his Majesties Pleasure only, I know Mr Wrights Patent is ready to be delivered to the Lords of Trade any day

23th Decr 1729 I am Sir

(Sedt B. T.)

Your most obedt and most humble Servant

Tho: Lowndes

Recd 20th Decr 1729

Read March 13th 1729/30